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T.R.B. from Washington

From George to Nelson

★ George Romney's big, virile face seemed all jaw as he came forward to announce he was dropping out of the Republican race. The startling bulletin came over the AP wire from Detroit at 2:19 p.m. Romney would hold a 5 p.m. press conference, it said, and withdraw. A capacious, green-and-blue subterranean room in the Washington Hilton was jammed as the hour approached, till the management defensively slid back partitions. As a connoisseur of high political drama we can say the next few moments were tops.

And so we may get a chance for Rockefeller after all. Reporters were not quite sure on what terms the relinquishment would come, though it was obvious that the Romney campaign was withering. Yet there were those tales of "dogged determination" and rumors of Romney anger at the Rockefeller write-in drive.

Governor Romney seemed anything but depressed. With his frosty temples and craggy forehead he is a strikingly handsome person; we have never found his evangelical righteousness easy to take but have always liked the man. He has been saying fierce, angry things in New Hampshire against the Vietnam misadventure, and upbraiding Nixon as the "me-too" candidate.

It seemed to us that Romney was making a consciously dramatic contrast between the manner of his withdrawal and that other scene in midmorning, November 7, 1962, in California, when Nixon, just defeated by Gov. Pat Brown, met reporters. In an embarrassing, whining denunciation of the press, Nixon said that this would be his "last press conference. . . . You won't have Nixon to kick around any more." Later that month Nixon telegraphed certain newspapers, this was "my last campaign for public office."

Romney did not mention Nixon by name but with a smile delivered a wicked thrust. With mock solemnity, as he finished reading the withdrawal text, he said that he would anticipate the first question; then with a big laugh – "No, this will not be my last press conference!"

Maybe he had been storing that up; maybe it made him feel a lot better.

As this is written Washington churns with speculation. We don't even know whether Rocky is hawk or dove. But we think we have seen a political bridal bouquet tossed from Romney into the New York governor's lap.

What's New in Nixon?

★ As a matter of fact before all this happened we strapped on our snowshoes and mushed up to New Hampshire. It was obvious the Romney campaign was getting nowhere. But that wasn't the story in the Stevens High gymnasium. The Jaycees were giving their 27th annual distinguished service awards. And there at the head table he stood, his black hair glossy and wavy, his temples a little higher, perhaps, but otherwise unchanged; speaking pleasantly and fluently without notes, with a kind of eager breathlessness as he reached the point in his talk that he calls "the lift."

Think of it, said Richard Nixon – the *tremendous, exciting, possibilities* of this most fascinating of all eras; this nation, the most powerful on earth – the leadership it can exert. The only nation on earth that fights its wars with no desire for territory, for conquest or for domination, but only comes to the aid of other lands in the interest of freedom, liberty – peace.

He sighed as though he felt a little ashamed of the ardor he had betrayed (as a strong man will when he bares his heart too openly) and he resumed his relaxed, low-keyed, darting exposition of world affairs – an exposition that at the time anyway seemed likely to carry him to the nomination.

Nixon, the perdurable loner who has not won an election in his own right since 1950, who lost by an inch in 1960 and a mile in 1962, who was left for dead on the battlefield in that latter disaster, and who now has fought his way up again with a tenacity worthy of a Harold Stassen!

Mr. Nixon says America faces dangers. Again his voice is deep and calm, and as detached as a strong man can be who is controlling powerful feelings of anxiety and patriotism. Only seven years ago the military balance in America's favor was 7-to-1, he says; today it is 2-to-1 – but five years hence? He pauses. Unless we change our course, he says, the Soviets will catch up and pass us. It will happen in the next two or three years unless – well, unless we have proper leadership.

Mr. Nixon does not explain why the US deserves to have "overwhelming nuclear superiority." The US is generous, liberty-loving and wants only peace, he says, while the Russians want "victory." Does a case like that need argument? Moral superiority justifies nuclear superiority.

And that's the New Nixon. He has financial security now, and is, we think, a stronger man than formerly. He urges a New Coalition and is preparing to make the nation's flesh creep with the story of a new missile gap. He will denounce the Administration for "gradualism" in Vietnam; he can finish up the task quickly, he says. He has a middle-road domestic program, and the tried and true old theme of anti-communism for foreign affairs.

How does this go down with the Yankees? We don't know; they are enigmatic. We left a third of the audience streaming up to shake his hand.

★ *Notes:* Ev Dirksen aided the Administration by flip-flopping on civil rights; on the same day the Democratic machine in Illinois aided 72-year-old Dirksen by naming a faceless man to run against him this fall. Coincidence? Maybe. . . . The latest Gallup poll – Johnson 39 percent, Nixon 39 percent, Wallace 11 percent, Undecided 11 percent – if translated into 528 electoral college votes gives Johnson 209, Nixon 209, Wallace 59, Undecided 59; since 270 is required this means it would go into the House. . . . Gaffe by nameless Administration adviser, speaking of the White House tulip bed: "By spring it will be a riot of color."

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"No Retreat"

The President meant it when he said in Dallas that we have reached "a turning point" in Vietnam, that there will be "no retreat . . . no breaking of our trusted commitments." From now on, it's a new war, harder, harsher, a war between the United States and North Vietnam. Peace talks will be something to come to only when the armed forces of the US have effectively defeated the enemy forces in the South, and when North Vietnam, bombed as it has never been bombed before, is compelled to cry quits. It is expected Congress and the country will be served notice that a considerable increase in American manpower in Vietnam is necessary – estimates range from 50,000 to 200,000 additional troops. The money for the war will be not so much asked for as demanded. Even a request for a formal declaration of war is possible. So the "nervous Nellies" and the "croakers" had better watch their language. This is *war*, and the way the President intends to end it is to win it. With nuclear weapons? When this question came up in connection with the defense of Khe Sanh, General Wheeler said they are not needed – at present. Pacification? That program is in ruins, but it never amounted to much anyway, except as a token of political warfare and as a channel for the economic aid we have to give in order to preserve a field on which to fight.

Let us understand what is happening. One of our "trusted commitments," according to General Westmoreland, is to help the people of the South "to develop a government of their own choosing." But we are not doing that. We are doing the opposite, blocking any possibility of choice by the Vietnamese, if that choice is for peace. We are conniving with a handful of military officers in Saigon who could not keep their jobs, or their lives or fortunes either, if massive US military power were not protecting them. These "leaders" in turn are jailing their peace-minded and non-communist opponents. Within the past months, and with no public objection from the State Department, the Saigon junta has placed into "protective custody" Truong Dinh Dzu (the runner-up in the presidential elections of last September), Vu Hong Khanh (another presidential candidate), Tran Huu Quyen (Secretary General of the Confederation of Labor), Vo Van Tai (head of the dockworkers' union), Thic Ho Giac (vice director of the Buddhist chapel), Thic Lie Minh (a popular Buddhist preacher), Phan Van Binh (a veteran politician, once a member of Bao-Dai's cabinet), Ho Thong Minh (defense minister in an early cabinet of Diem), 17 students (including Ho Huu Nhut, student council president of the

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University of Saigon), and Au Truong Thanh (a prominent intellectual and former economics minister). We have not been told how many others have been arrested, but the number of political prisoners still under detention has been estimated at 10,000. The Asian correspondent of *The Washington Star*, Donald Kirk, reports that the "*bêtes noires* of the manhunt, besides militant Buddhist leaders, are politicians who have gained a reputation as 'neutralists' in the war, or are believed to have supported suggestions for a 'coalition' government with the National Liberation Front. . . . The government takes the position that those who advocate any relationship with the enemy are themselves national enemies."

The declaration of martial law by the Saigon junta, the impending increase in US troops, the arrests in South Vietnam of prominent opponents of the dictatorship, the tough talk of Mr. Johnson ("blood, sweat, tears") – all add up to one thing: the United States is determined to prevent the Vietnamese from making peace. All that counts now in Washington is body count. In General Westmoreland's phrase: "The time has come for debating to end."

Again, the truth is the opposite. That was the central point made February 14 by the Secretary General of the United Nations, when he said "the ugliness of the war is matched only by its futility." It is time, he said, "to call halt"; the world is "anguished and sickened by the continued intensity and savagery of the war . . . military casualties steadily mount . . . it is heartrending to witness the agony of the innocent civilians who cannot possibly know what it is all about." U Thant then stated flatly that if "all bombing and all other acts of war against the Democratic Republic of Vietnam" were stopped, he was "more than ever convinced that meaningful talks will take place much earlier than is generally supposed, even perhaps within a matter of a few days." The French government later confirmed the Secretary General's statement. And two weeks earlier, the foreign minister of North Vietnam, Nguyen Duy Trinh, had said that the North was ready to start talks "as soon as the United States has proved that it has really stopped unconditionally the bombings and all other acts of war."

Lyndon-Bird

Anticipating U Thant's statement, Secretary Rusk advised the press that Hanoi's offer was pure propaganda: "At no time has Hanoi indicated publicly or privately that it will refrain from taking military advantage of any cessation of the bombing of North Vietnam." He did not explain what he meant by "taking military advantage," nor did he need to. For what the Administration thinks, in contrast to what it says, is that there can be no negotiations which might lead to the participation in a government of the South by the Viet Cong, or even by a substantial number of independent, Southern nationalists who favor accommodation with the Viet Cong. That eventuality, in the Administration's opinion, is too risky.

On February 14, U Thant had said that it could "reasonably be assumed" that other questions, such as "the conduct of the fighting after the unconditional cessation of the bombing" will be dealt with "in good faith." The response of the Assistant Secretary of State, William Bundy, was: "We just can't take this one on faith – pure and simple."

What then can we take on faith? Shall we take on faith the President's assurance that intensification of the military struggle will benefit the United States or the people of Vietnam? To do as U Thant suggests would be a gamble, admittedly, but a highly prudent gamble. For the risks in stopping the bombing and starting the talks are insignificant when placed alongside the predictable disasters of more war. Again and again the Administration has challenged its critics to come up with an alternative. U Thant has offered one; so have the South Vietnamese now in "protective custody." In rejecting it, the Administration is obliged to tell us what *its* alternative can possibly achieve – other than more destruction, more bitterness at home, more dishonor for the United States.

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Rockefeller, or Else . . .

Nelson Rockefeller may now be the country's best bet, but for those who hope the "moderate-to-liberal" wing of the Republican Party will come out on top this year, there were ominous signs to be read at the February meeting of the Republican National Committee. Chairman Ray C. Bliss moved with dispatch to avoid a confrontation between the congressional (read "conservative") wing of the party and the gubernatorial (read "moderate-to-liberal") wing over the chairmanship of the platform committee at Miami. The governors, working through committee members from their states, had demanded an equal voice. They wanted Governor Raymond Shafer of Pennsylvania as one of two co-chairmen, along with Sen. Everett M. Dirksen (R, Ill.). Bliss effectively sidetracked the demand by turning it into a vote of confidence in himself. Overnight, committee members, reluctant to tamper with their new-found unity, rallied almost to a man behind the chairman. He was given *carte blanche* to name the members of the temporary resolutions committee (the temporary chairman inevitably becomes permanent chairman, barring a nasty floor fight, which may be necessary at Miami if the GOP governors are to assert any kind of authority within the party).

When it was over, there was little doubt that Senator Dirksen is Bliss' choice. By itself, this doesn't seem too serious. But set against other factors, it presents a real problem for the moderates.

There is a prevailing sentiment, reported in this journal after the September GOP gathering, in favor of sending unpledged delegations, so as to avoid wrangling in the precincts and counties over the course the party should take. This leaves it up to the power structure in state after state to select its delegation, meaning, in many cases, a "conservative" delegation. Two states – Oklahoma and North Carolina – have already chosen a share of their delegates. They are pro-Nixon "conservatives," the major exception being two from Oklahoma City who prefer Gov. Ronald Reagan. This will be repeated in state after state unless the governors can stop it.

It was apparent also at the national committee meeting that many who would prefer a moderate-to-liberal candidate, preferably Gov. Nelson Rockefeller, had little confidence they could pull it off. One had to circulate among the committee members for only a few minutes to realize that they had counted Governor Romney out before he counted himself out. Governor Rockefeller's action in the garbage strike, still fresh in their minds because of the loud protests heard from the middle-class, predominately anti-labor, voters who make up the GOP in many states, discouraged them.

Without the stimulus of intraparty debate, without a hard-running, avowed "moderate-to-liberal" candidate, with the power structure throughout the Midwest, South and Rocky Mountain states quietly picking the delegates, what chance will modern Republicanism have? The answer lies with Rockefeller. His people are busy. Oregon is their first major testing ground.

Much depends upon whether the Republican governors can rally quickly and decisively around their colleague from New York. If they do not succeed, the GOP scenario for 1968 may resemble that of 1964, when it was said that "they won't let it happen." Except "they" weren't the majority at the convention.

Keep 'Em in Line

The determination of White House political operatives to prevent, if possible, a single voice of dissent from being heard on the floor of the Democratic convention in Chicago has surfaced in Massachusetts.

At stake was the composition of the state committee's "official" slate. Senator Edward Kennedy had tried to get out of the bind Eugene McCarthy's candidacy has put him in by arranging a three-way compromise. Senator McCarthy declined to bargain. The White House was equally adamant, fighting Mr. Kennedy's decision to name even one pro-McCarthy delegate (Richard Goodwin) and several listed as "doubtful" to the 72-man slate. However, Senator Kennedy won on a roll-call vote (36-27); 14 or 15 non-Johnson delegates were selected, including Mr. Goodwin, Adam Yarmolinsky and Samuel Beer.

Still unresolved after the "official" slate had been picked (McCarthy's supporters are running independently in some districts) was the problem of a stand-in candidate against Senator McCarthy. Mr. Johnson did not offer his name; indeed, he has yet to admit that he will be a candidate. But if Senator McCarthy wins the primary in Massachusetts, the entire delegation will be pledged to him on the first ballot, something the White House dare not let happen by default.

Elsewhere in the country:

The Johnson-controlled Democratic machine in Chicago passed over their best vote-getter, young Adlai Stevenson III, as a candidate for US Senate from Illinois. Mr. Stevenson, who was available, has been known to express some doubts about the Administration's handling of the Vietnam war, and anyway, the President's old friend Ev Dirksen's running and shouldn't be made to campaign too hard.

In New York, Morris Abrams, the progressive and internationally-minded head of the American Jewish Committee and the man who probably would have had the best chance of defeating Republican Senator Jacob Javits this year, withdrew as a possible candidate for the Senate. It was reliably reported that he had

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tried to get White House approval for a compromise Vietnam statement, but it fell short of going all the way with LBJ. (The statement had the blessing of Senator Robert Kennedy.)

In the nation's capital, Johnson's men were pressuring the "Mayor," Walter Washington, to head up a pro-Johnson slate, even though as a presidential appointee Mr. Washington is barred under the Hatch Act from partisan activity.

In Minnesota, four prominent figures in the Democratic Farm Labor Party, including its second- and third-ranking officers and the congressional district chairman in St. Paul, have endorsed Eugene McCarthy. McCarthy supporters now see a "very good" chance of winning the precinct caucuses (to be held March 5) in the Minneapolis district and a "good" chance of doing the same in St. Paul and suburban Minneapolis.

Answer to Wallace

The Bayh-Dirksen-American Bar Association proposal to abolish the Electoral College is supported – among other arguments – by a parade of all sorts of horrible things that can supposedly happen under the present system, most of which are extremely unlikely to happen, and wouldn't be all that horrible if they did. One nightmare, however, might just possibly come true, and – as anyone attending to the performance of former Governor George C. Wallace of Alabama can plainly tell – it would be horrible, all right. As noted last week ("Wallace-Watching") he could conceivably carry enough states to prevent either major party candidate from getting a majority of the electoral vote, and in that event the Constitution provides that the House of Representatives shall elect a President, each state, small or large, casting one equal vote. Wallace would then be in a very handsome power broker's position, and votes representing a good deal less than a majority or even a plurality of the American people could make a President. It is a prospect very much worth averting.

A constitutional amendment proposed by Rep. Jonathan B. Bingham (D, N.Y.) will do the job nicely, without stirring the controversy over the electoral college system as a whole. Mr. Bingham would keep the system, though he says he doesn't really like it. He would merely provide that if no one gets a majority of the electoral vote, there shall be a run-off between the two major candidates, one of whom is then certain to attain the requisite majority. Mr. Bingham would also seize the occasion to ensure that there can be no unpledged electors; the winner in any state – by a majority or plurality – simply gets that state's electoral vote, whether in the regular election or in the run-off. And Mr. Bingham would also, by separate legislation, move the election date into October, mercifully shortening the campaign, and leaving time for a run-off.

It is a wise, just about unanswerable proposal, which it is the duty of Congress to adopt, and of the states to ratify – promptly.

Home-Building

In more than four years as President, Lyndon Johnson has been responsible, by his own account, for three measures to deal with the "crisis of the cities." He created the Department of Housing and Urban Development to "give the American city the cabinet role it deserves." He has had enacted a program of rent supplements for poor families. And he has got through Congress a model cities program, "the first effort to attack blight on a massive scale." He describes these as "achievements," although it is difficult to explain how the quality of city life has improved or will soon improve because of them.

HUD brings together federal housing programs within one agency and, theoretically, bestows on cities the same prestige that farmers get through the Agriculture Department and workers have through Labor. But prestige doesn't build housing. Under the rent supplement program, 1,650 units for the same number of poor families had been built as of December 1, 1967. The model cities program is just off the drawing board.

President Johnson knows these achievements "are not sufficient," that they merely "provide a base" for more to come. But they do convey the hyperbolic impression that something real and hopeful is happening.

What the President proposes to do next, beyond the shuffling of agencies and demonstration projects is detailed in his February 22 message to Congress. Here was a promise of six million new housing units in the next 10 years – 10 times the number provided by urban renewal and other federal programs over the past decade. If realized, it would make available decent housing to 20 million ill-housed Americans, and would constitute about a quarter of all new housing.

When will this housing be there to be used? The answer, buried deep in the message, is: not for some time, if then. Just over 30 percent of the proposed construction would take place in the first five years of the 10-year effort. In the first year there would be 300,000 units built – five percent of the 10-year goal. This breaks down into 75,000 public housing units for poor people, 100,000 privately built and financed homes (with a federal subsidy taking care of all but one percent of the interest), 35,000 rent supplement units, 90,000 rental units for moderate income families.

In as many of the projects as possible, Mr. Johnson

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would involve private industry, guaranteeing little gamble and some profit (one such scheme is the insurance industry plan to invest a riskless $1 billion in low income housing and jobs).

Presumably the drive would pick up speed and gain from Congress not only the requisite authorization but the appropriation of funds necessary to carry it forward. The President's intentions are hard to fault. Congressional approval, however, is not automatic and certainly less than likely in wartime. The President himself pointed out that the inadequate $40 million request for rent supplements last year was pared to $10 million in Congress; the $662 million asked for model cities was halved. There is good reason to expect that riot control will be more popular than slum clearance.

The test of the President's plans is in their effectuation. 1968 may be the year in which voters are asked to "choose" between a hawkish President and a hawkish Richard Nixon. Since neither has much personal appeal, the only meaningful distinction may be in proposals for domestic programs. If Johnson is unable to reestablish forcefully his ability to get things done at home, there may be no choice at all.

Unlike the President, Nelson Rockefeller isn't willing to wait a decade or anything like it. "Extreme measures" are called for "before another summer begins." The governor of New York is in a hurry about housing. Like President Johnson, he thinks the nation's cities have failed to meet their responsibilities for tearing down slums and otherwise curing urban toadstools. Like Mr. Johnson, and as befits a possible presidential candidate, Rockefeller too has a plan.

Unfortunately, the proposals the governor made public last week aren't all that revolutionary and seem highly unlikely to achieve much this summer or this year. An Urban Development Corporation would be given power to brush aside local mayors as well as local building and zoning codes – but first would offer a state dollar in the hope of inducing private developers to spend five. On pulling down slums, then replacing them not with high-rent, high-rises but with modestly priced homes? It's neither realistic nor revolutionary to simply ignore the tough fact that Americans without decent homes are Americans with indecently low incomes.

Clergy in Politics?

The New Republic thinks that the time has come for anti-Vietnam clergymen and laymen "to translate their own moral indignation over Vietnam into effective political action, inasmuch as this is the only way to effect long-term changes in the policies of this country." So far as laymen are concerned, this would seem to be a self-evident proposition. It's perfectly obvious that concerned laymen ought to translate their moral indignation over Vietnam – or any other significant issue of public policy – into effective political action.

On the other hand, I am not sure that I fully understand or completely agree with *The New Republic* when it says that the clergy ought to do likewise. Traditionally, as the *NR* itself points out, the clergy – in this country at least – have "shied away from such participation." As a long-time subscriber to *The New Republic*, I had always been under the impression that its editors thought that, on balance, this was a sound tradition. Apparently, however, I was mistaken in this regard, for a recent *New Republic* editorial notes with satisfaction that American clergymen now appear to be ready, in large numbers, "to get involved at a precinct level" and to play "an activist role in both parties" (Clergy in Politics," Feb. 17, 1968).

What does this mean in practical terms? Does it mean that ministers, rabbis, and priests should endorse (or oppose) particular candidates for political office, starting at the precinct level? Does it mean that they themselves should run for office, if only as a last resort? If so, does it also mean that other clergymen should run against them if they happen to disagree with what they stand for? Or does it mean that only those clergymen who are anti-Administration should "get involved at a precinct level" and play "an activist role within both parties"?

I have raised these questions, not to make light of *The New Republic's* editorial on the subject, but merely to suggest that clerical involvement in partisan politics over the issue of Vietnam is, at best, a rather tricky business and will almost inevitably lead to certain consequences which, upon further reflection, even the editors of *The New Republic* might conceivably wish to forestall.

Be that as it may, I am inclined to think that the editors of the French periodical, *Informations Catholique Internationales*, make considerably more sense than the editors of *The New Republic* on this issue of clerical involvement in the so-called politics of peace. Though they are vigorously and unqualifiedly opposed to the war in Vietnam and, like the editors of *The New Republic*, clearly recognize that the establishment of peace in the world is a political problem which calls for the active involvement of Christians as well as all other men of good will, they do not think the clergy should take on the role of politician.

Given the fact that their publication, *ICI*, has been one of the most outspoken European critics of US involvement in Vietnam and one of the most vigorous advocates of a politics of peace, their warning against the participation of the clergy in partisan politics is highly significant and deserves to be taken very se-

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riously ("Christians and the Struggle for Peace," *Informations Catholique Internationales*, Jan. 15, 1968).

Those who may have a special interest in the pros and cons of this highly controversial issue will also want to read what Hans Kung has to say about it in his forthcoming book, *The Church*. "Seen in the light of the Gospel," he writes, "the relationship of the church to the world contains only one essential aspect: its ministry to the world. . . . Ministry does not mean raising one's voice or putting an oar in all secular questions of economic, political, social, cultural, artistic and scientific life. . . . The church cannot 'solve' the great problems of the world; neither the problem of hunger nor that of the population nor that of war nor that of anonymity of power nor that of race hatred. . . . What the church can do can be expressed quite simply in one phrase: it must exist for the world."

Father Kung is not a hawk and is not advocating a policy of Christian withdrawal from the world. On the contrary, he strongly favors the all-out involvement of Christians in temporal affairs and notably in the politics of peace. Nevertheless, he does not think that the institutional church – and its clerical ministers – should pretend that they have all the answers to the problems of the world. And neither does he think – if I read him correctly – that the clergy, in the exercise of their mission of peace, should get involved in partisan politics. Nor do I.

George G. Higgins

Msgr. Higgins *is director of the social action department of the United States Catholic Conference. His comments are taken from his weekly syndicated column for the Catholic press.*

Kuchel vs Rafferty

Parkinson's "Eleventh Commandment" is cracking. Promulgated in 1965 by former state GOP chairman Gaylord Parkinson, it says, "Thou shalt not speak evil of any Republican." Violations are almost certain during the senatorial primary race between Thomas Kuchel, California's moderate senior senator, and Max Rafferty, super patriot and California superintendent of public instruction.

The California right wing has never liked Kuchel. Why should it? He has denounced the John Birch Society, courted labor, refused to campaign for Barry Goldwater or Ronald Reagan, and has voted more often with Robert Kennedy than with his fellow Republicans. Worse still, he was appointed to his Senate seat back in 1953 by that "radical," Earl Warren.

The man who proposes to turn Kuchel out is Maxwell Lewis Rafferty, who was elected to his nonpartisan post of state superintendent of public instruction in 1962 and is probably the most popular conservative in California with the exception of Governor Ronald Reagan. A crowd-pleasing orator and a prolific writer, Rafferty has built a base of support among tradition-minded parents and teachers across the state as well as in the ultra-conservative Republican volunteer groups. His books, *Suffer Little Children* and *What They Are Doing to Your Children*, set forth the Rafferty brand of anti-Deweyism.

He began his career as a football coach and English teacher, became superintendent of the affluent La Canada District in Los Angeles and came to national attention in 1961 when one of his super-moralistic speeches was reprinted in *Reader's Digest*. As state superintendent he called *The Dictionary of American Slang* "a handbook of sexual perversion" and suggested "a little bit of censorship." He has become more cautious than in the days when his name was found on the letterheads of anti-income tax groups. He now describes himself as "an Eisenhower Republican." He is against obscenity, drugs, subversion and lawlessness – and for a balanced budget, "better" Supreme Court Justices and local control of neighborhood schools.

In early 1967, Governor Reagan and his wealthy conservative advisers were thought to be Kuchel's biggest obstacle to renomination; the senator was even considering the possibility of running as an independent. Kuchel had refused to endorse Reagan when he ran for governor (because Reagan refused to repudiate the John Birch Society). Reagan had actively campaigned for one of three conservative opponents of Kuchel in the 1962 primary. But although the governor cares little for Kuchel personally or politically, he is unwilling to damage his own image as a GOP unifier. So he plans to keep hands off in the primary and support the senatorial nominee, whoever he may be. Kuchel, in turn, has announced that he favors a California presidential delegation pledged to Reagan as a favorite son. (He is also on record for Rockefeller: "I think he has a unique background, the experience, the capacity to administer and to lead.")

The old Kuchel style of independence which helped him win in 1962 by 700,000 votes may be in eclipse. Reports persist that the senator has made important concessions on the selection of delegates for Reagan's presidential primary slate in return for the governor's neutrality. Sources close to the senator indicate there are likely to be six to eight moderates on the delegation, less than 10 percent of the 86-man slate.

The Kuchel-Reagan detente may help Kuchel, but not with the enthusiastic pool of conservative volunteers who ring doorbells, lick envelopes and use their own cars and phones to contribute to the cause. One

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ultra-conservative volunteer group solidly behind Rafferty, the United Republicans of California, contributed $150,000 to Goldwater's primary campaign, placed 527 ads in local newspapers, manned headquarters all over the state and later ran car pools and communications centers for Goldwater delegations at the national convention.

No one can be sure how Vietnam will affect the voters. Rafferty has called for a declaration of war against the North, in tandem with Reagan who favors invasion if the military wants it and "a move . . . to make the wartime rules apply with regard to comfort and aid of the enemy." In general, Kuchel has focused on "mismanagement, violence, aggrandizement of authority and narrow nationalism" in his omnibus speeches. He has called for an all-Asian peace conference and "a clear statement of goals for the future peace, security and independence of Southeast Asia." Nevertheless, his earlier image as "armed dove" has been clouded. In September, just prior to his trip to Vietnam, Kuchel called for "professional military men to make their own decisions where military force should be applied." Yet when Sen. George Murphy labeled antiwar demonstrations at the Oakland Induction Center "insurrection" and called for federal troops, Kuchel countered with a statement criticizing demonstrators who broke the law but upholding the right to dissent. At the same conference, he told reporters federal troops were "not necessary."

Against Rafferty theatrics, Kuchel often appears stiff and overcautious. Nuclear desalinization plants, dam construction and redwood parks, state matters on which the senator has authored bills, aren't as dramatic as Rafferty's attacks on Earl Warren, federal aid to education, the University of California or the "proliferating packs of punks" Rafferty describes.

The latest Mervin Field poll showed a portentous shift of support to Rafferty among rank-and-file Republicans. Slightly more than half of the Republicans interviewed style themselves as "conservatives." Among them Kuchel has lost the lead he established over Rafferty in 1967. Even more foreboding is the narrowing of Kuchel's 3-1 margin among "moderate liberal" Republicans to less than 2-1. Kuchel, previously assured of moderate support, is appealing to the conservative majority of California's Republicans. Rafferty, confident of right-wing support, is attempting to project himself as a middle-of-the-road candidate. The strategy seems to be working better for the challenger than for the incumbent.

Melvin Bernstein

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Here We Go Again – Massive Retaliation

After seven years of new thinking on nuclear war, United States policy is back to the old one of making such a war unthinkable. We started in 1961 at the massive retaliation policy of John Foster Dulles, detoured briefly to Ann Arbor to look at the spare-the-cities idea of Robert S. McNamara, and now are back at massive retaliation. The policy has been repackaged into such terms as "unacceptable damage" and "assured destruction." And the nuclear hardware has changed from bombers that drop bombs to missiles that drop bombs. But despite all the Pentagon talk about options, nuclear weapons – whether in airplanes or on missiles – have proved so far to be implacable.

When Defense Secretary McNamara took over the Pentagon in 1961, he inherited a force of long-range bombers. He also found himself with more ICBMs than the Soviet Union had. Despite the missile gap charges of the new President – John F. Kennedy – intelligence chiefs told Mr. McNamara that Russia was trying to close its missile gap with the US, rather than the other way around. In its hurry to catch up, Russia did not bother trying to bury its first ICBMs in the ground. That came later.

When missiles are above ground, they are considered "soft" targets. An unfriendly bomber or missile can sneak in and destroy them before they can be fired. Rather than let that happen, a fledgling nuclear power is tempted to fire its missiles before they are destroyed. (The Johnson Administration hypothesizes this state of mind for Red China, in justifying the building of a $5 billion missile defense around the US.)

Many Soviet specialists in this country thought Russia might develop a nervous trigger-finger in the early 1960s, because so many of its ICBMs were exposed to our bombers and missiles – a fear that may have figured in Mr. McNamara's decision to make a most unusual speech at Ann Arbor, Mich., on June 16, 1962. It had two controversial themes. One was that America's allies in Europe should get over this silly idea of building nuclear forces of their own and rely on our nuclear might. The other was that perhaps the US and Russia could agree on some kind of Marquis of Queensbury rules for nuclear war.

The latter idea amounted to telling Russia that we would spare her cities if she would spare ours. "The US has come to the conclusion," the Secretary said, "that to the extent feasible, basic military strategy in a possible nuclear war should be approached in much the same way that conventional military operations

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have been regarded in the past. That is to say, principal military objectives, in the event of a nuclear war stemming from a major attack on the Alliance, should be the destruction of the enemy's military forces, not of his civilian population." A few sentences later he made the "we won't if you won't" invitation plainer: "In other words, we are giving a possible opponent the strongest imaginable incentive to refrain from striking our own cities."

Mr. Khrushchev waited until July 10, 1962, to tell Mr. McNamara off. "He," the Soviet Premier said of McNamara, "says that an understanding may be reached to use nuclear weapons solely for striking at the armed forces, and not at the big cities. . . . It is a monstrous proposal filled from beginning to end with a misanthropic disdain for men, for mankind, because it seeks to legalize nuclear war and thereby the murder of millions upon millions of people."

The Air Force concluded that the Ann Arbor doctrine was a victory for counterforce weapons – precision bombers like the B-70 which could knock out missiles before they were launched. But the Kennedy Administration's political reading was different. The President sensed that it was folly to figure nuclear war could be controlled if it ever started. His decision was to make nuclear war look so suicidal that the first missile would never be fired. The Air Force never got its precision bomber.

So from Ann Arbor, US nuclear policy traveled to its present station of mutual terror. We have built 1,054 land-based and 656 sea-based missiles, covered with enough cement or ocean to insure some of them surviving the heaviest of surprise attacks. Russia has done the same, though to a lesser extent. Nobody today can win a nuclear war, even by striking first. How about tomorrow?

Both the nuclear superpowers have gone from soft missiles to hard missiles, and now – the US for sure, and Russia probably – are going to multiple missiles. This third generation of offensive missilery is what is bringing us even closer to the Dulles brand of massive retaliation when the big bomber was king.

The B-52 bomber which recently crashed on the Greenland ice carried four H-bombs of about one megaton each. The new land-based ICBM which the US has decided to build, Minuteman 3, will carry up to three H-bombs each. The new sea-based missile, the Poseidon, will carry up to 10 nuclear bombs each. Like the B-52 bomber, the new missiles can send each of the bombs to a different city or other target. And although the bang of the missile's bombs will be less than those carried by the B-52, the accuracy is supposed to be as good or better. The new missiles – according to paper calculations anyhow – will be better bombers than bombers, especially since they would be even more difficult to knock out of the sky.

Mr. McNamara said last year that the MIRV (multiple-independently-targetable reentry vehicles) technique of putting several bombs on Minuteman and Poseidon missiles would "exhaust their defenses" by putting too many warheads over Russia for the defenders to handle. Thus, MIRV warheads would penetrate the Soviet missile defense around Moscow and obliterate the city. John S. Foster Jr., Pentagon research chief, in a speech in Dallas detailed how MIRV warheads could hit cities hundreds of miles apart. And Mr. McNamara's latest posture statement stresses the devastation our nuclear forces would wreak on Russian cities in a war. I have also been told by Pentagon officials that MIRV warheads, though they will be designed to hit within 1,500 feet of their targets and thus be more accurate than existing missiles, still will not be accurate enough to make the counterforce strategy of knocking out hardened missile sites practical. MIRV, as now designed, is basically for cities and factories, not missile silos.

Besides MIRVs, the Polaris missiles have always been considered anti-city weapons. Similarly, the Soviet Union is targeting lots of its missiles on American cities, although Russia also has some big-bang ICBMs (over 10 megatons compared to one megaton on the USAF Minuteman) for hardened missile sites.

When I wrote in *The Washington Post* January 16, 1968, that US nuclear strategy with MIRVs is shifting to one against cities, Mr. McNamara issued a tough denial through Pentagon Press Chief Phil G. Goulding: "The strategy options for general nuclear war have not changed since 1962." The rubber word in the denial is "options." But options-schmoptions. The US has the options to aim its missiles at Siberia or Kosygin's swimming pool. What the US is actually doing is putting Soviet cities under our nuclear guns.

What worries nuclear scientists like Hans Bethe, Nobel prizewinner and White House adviser, is not so much that MIRV is a weapon of massive retaliation, but that it will go beyond that and become so accurate that the old idea of counterforce will rise again. He reasons that MIRVs of the future might make striking first look tempting. The nation with MIRV might figure its warheads could knock out the enemy's retaliatory force in a surprise attack. The nation without MIRV, he fears, might calculate it must fire its missiles in a crisis before the opponents' MIRVs destroy them. And MIRVs on both sides might be destabilizing as each power sees a big advantage in striking first.

Is that counterforce just around the bend? Welcome aboard Mr. Clifford. Secretary McNamara is getting off the nuclear merry-go-around after a seven-year ride. Anybody for a new precision bomber?

GEORGE C. WILSON

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Orangeburg Massacre

All Because of an All-Star, All-White Bowling Alley

For old-fashioned Southernness, South Carolina yields to no state. It has had an all-white legislature since Reconstruction. It has, in Rep. Mendel Rivers and Sen. Strom Thurmond, two of the nation's foremost superhawks and supersegs. It has, in the city of Charleston, one of the most smugly provincial communities in the US. And yet, through a combination of luck and shrewd planning, South Carolina has made it through the Negro revolution almost unscarred. Until hell broke loose in the town of Orangeburg recently, the state had not a single death attributable to civil rights activity, and almost no civil rights violence worth noting. That record was broken in a withering volley of gunfire one night last month. When the state police stopped firing, they found more than 30 young Negroes wounded, three of them mortally. It was the largest single bloodletting in the whole civil rights struggle. And it came in the wake, not of exhortations to kill Whitey, but of an early sixties-type demonstration for access to public accommodations.

The dead and injured were mostly students at two Negro colleges, Claflin and South Carolina State, both located at Orangeburg. Some were younger still: Delano Middleton, who was shot to death, was a local high school student. What were they all doing? Raising hell on the South Carolina State campus – starting a small bonfire, tossing a couple of Molotov cocktails, cursing and throwing things at the police. Reprehensible to be sure, but reason to be shotgunned like so many sheep? Could anyone imagine such a thing happening at Yale or Wisconsin or even unruly Berkeley? Or, closer to home, at South Carolina's white colleges? Negro college president Dr. Benjamin F. Payton, speaking before a meeting of the Columbia Kiwanis Club four days later, made the point perfectly: "I have difficulty conceiving in my imagination of the highway patrolmen ever firing point blank at students at the University of South Carolina or Clemson doing the same thing." Ironically, Dr. Payton made the comment as the first Negro ever to address a white civic club in the state capital.

Orangeburg, even by South Carolina standards, is a conservative town. The White Citizens Council was active there for years, and the John Birch Society is still active. The presence of two Negro colleges has done nothing to soften the racial attitudes of white Orangeburgers. Yet, ironically, the city fathers have shown more concern for the colleges and their students in the past several months than ever before. When the students returned to the campuses last fall, the *Orangeburg Times and Democrat* welcomed them with a fat and cheery special supplement. The newspaper's editor and the mayor attended a luncheon on the South Carolina State campus. Town and gown relations appeared to be at an all-time high.

SC State students conducted the first civil rights demonstration in South Carolina history back around 1960, and in the spring of 1967 they staged an effective, well-publicized boycott of classes. But despite the suspicions of white South Carolinians, they have been an unmilitant bunch. At last count, the campus NAACP chapter had about 300 members, while a group called the Black Awareness Coordinating Committee had only about 20. Furthermore, the Black Awareness people were not militant in the modern sense; they included few advocates of violence or even of separatism.

What a great many of these Negro students were concerned about was a quality education (the 1967 boycott was aimed at that) and getting their rights in the old civil rights sense. Thus, when a white bowling alley owner in Orangeburg refused to integrate his place, he became a natural target. Not only Negro bowlers, who had to drive 40 miles to Columbia to find alleys, were angered; so were hundreds of students and faculty members who regarded the lily-white policies of the All Star bowling lanes as a deliberate slap. Whites as well as Negroes urged All Star manager Harry Floyd to desegregate. He refused – until it was too late: after the massacre, the alley was desegregated, under court order.

On Monday, February 5, three nights before the police gunned down the students, student demonstrators appeared at All Star lanes. They tried to get in and failed. Next night a large group of them forced its way in, a window was broken, the police attacked, clubbing the students with long billy clubs. Seven coeds were among the injured, and a wave of indignation crossed the two Negro campuses. Acting SC State president M. Maceo Nance voiced administration and faculty support of the students when he said, "this cannot be tolerated."

Although several hundred National Guardsmen arrived on the scene, the spearhead of the police forces was the contingent of highway patrolmen and SLED (State Law Enforcement Division) agents. White South Carolinians all, they had become increasingly perturbed at the behavior of the Negro students, which included smashing windows and damaging cars. They were especially perturbed because, after the bowling alley melee, in which some police as well as students

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were injured, they were forced by higher ups to turn free the students that they had arrested.

On Thursday night about 100 students gathered at the edge of the SC State campus, where they were confronted by some 50 highway patrolmen and SLED agents armed with shotguns and automatic weapons. Apparently there was sniper fire from the campus off and on during the evening, but no one was hit. Around 10 p.m. students started a couple of fires. Local firemen moved in to put them out, and the police moved in behind them to provide protection. The students began pelting the police and perhaps the firemen too with assorted brickbats. They did not, according to witnesses, advance on the police; nor did the police make any threatening move, such as firing over their heads, to stop them.

Suddenly a highway patrolman, named D. L. Shealy, fell to the ground, blood streaming from his head. Although Shealy had been struck by a piece of wood, he thought he had been shot, and other policemen said later they too thought he had been shot. The police were stunned. They heard one of their number yell, "Get down, they're shooting" and they saw the bloody Shealy being assisted to the rear. Perhaps there was a whistle signaling them to commence firing; perhaps there wasn't. A sustained volley of shotgun fire crashed into the mass of students. According to an Associated Press photographer, the shooting lasted a couple of minutes, with perhaps 10 policemen firing three or four rounds apiece. Certainly one round would have scattered the unarmed students, yet the police fired repeatedly. They "panicked," said the AP photographer, Dozier Mobley, an eyewitness. "They were running around and shouting and hollering." When the smoke cleared, Negro youngsters were scattered across the darkened lawn.

The location of their wounds tells a great deal about what happened. *Los Angeles Times* reporter Jack Nelson, checking the medical records at the college infirmary and the local hospital, found that at least 16 of the 28 Negroes treated that night were struck from the rear. Two were struck in the soles of the feet, meaning they were either lying down or running away from the gunfire. Two of the three dead youngsters were struck from the rear. Police found no weapons where the student group had assembled. A week after the incident, they had yet to turn up a single "black power agitator" among the dead or wounded.

The carnage would have been worse, except that the National Guardsmen on the scene did not fire a round. By the time they had received the order to load their rifles with live ammunition, it was all over.

What was the state's version of the tragedy? Officials from Gov. Robert McNair down have formed a monolithic front to ward off charges and questions. Their version goes like this: the whole thing was due to "outside agitators" and would not have happened without them; the assembled students fired at the police just before the police fired at them, and the police acted solely to protect their lives, which were in grave danger. (The state's official spokesman, explaining how restrained the police actually were, said "they could have killed 75 percent of them if they'd wanted to"); SNCC organizer Cleveland Sellers was behind everything.

The accusations against Sellers show the state version at its least believable. Sellers is no outside agitator; he is a native of the Orangeburg area and not long ago he was a student at SC State. He now lives in a house almost directly across the highway from where the action took place. He claims he was not on the scene at the time of the brickbat throwing and police fusillade. The state claims he was, and it goes on to claim that he was the one – out of all those students, in all that turmoil and shadowy light – who threw the missile that struck Patrolman Shealy. Sellers was the only person arrested that night. He is now in the state penitentiary, held on charges, ranging from assaulting Shealy to inciting to riot.

On the day of the violence, Sellers told reporters he feared being made a scapegoat for the trouble at SC State. Several days after the shootings, the state's spokesman made clear how his side feels about Sellers. "He's the main man," the spokesman told a reporter. "He's the biggest nigger in the crowd." What better reason to salt him away in the state pen?

Perhaps the worst performance in the whole tragedy was Governor McNair's. A supposed racial moderate, McNair is credited with having settled last year's boycott dispute at SC State through astute behind-the-scenes negotiations. But when trouble flared again this year, McNair seemed unconcerned with the Negro school. People trying to enlist his aid were unable to do so. After the violence at the All Star lanes on Tuesday night, the battle clearly was escalating, yet McNair did little to stop it. He says he did not even consider making a personal appearance in Orangeburg, an hour's drive from his office. And now, in the face of strong evidence to the contrary, he stubbornly sticks to the version of the killings fed him by his own self-interested police. He has ordered no investigation of the events, proclaiming instead that he will cooperate with the FBI's investigation – results of which cannot be expected to be made public. Finally, the governor has expressed not a word of sympathy to the families of the dead and wounded young Negroes.

Orangeburg points up the growing restlessness on Negro campuses and, in the words of a Southern Regional Council report, a "national tendency nearing public policy to a fear of riots amounting to phobia and a response to Negro unrest with massive police and military force."

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Canada's Future

by Alex Campbell

Ottawa

Canada's Nobel Peace prizewinning prime minister, Lester Pearson, last week weathered his political crisis. Pearson's Liberal government won a confidence vote, after having been defeated the week before on a tax bill. But Pearson quits in April anyway. The Liberals meet April 6-8 to pick his successor. The current favorite is Justice Minister Pierre Elliott Trudeau, a go-go French Canadian so cool he dispenses with a top coat whenever Ottawa's winter temperature soars to 12 degrees.

A bachelor at 46, Trudeau somewhat resembles the late Leslie Howard and is understandably a hit with the girls. In Canada's present mood, which all Canadians, including Trudeau, deny is anti-American but which is certainly anti-Lyndon Johnson and anti-Dean Rusk, Trudeau is also a hit for other reasons. Wealthy and witty and an intellectual (Harvard, Paris, Montreal and the London School of Economics), he is reputed to have leftish leanings. He has visited Moscow, Peking and other communist capitals. He is not at all the man the CIA or the State Department would pick to be prime minister of America's Northern neighbor. If he succeeds Pearson there will be sleepless nights in Maclean, Virginia, and in Foggy Bottom.

Canadians loath the Vietnam war and fear LBJ. Pearson himself privately called his visit to the Ranch "my trip to Berchtesgaden." A conservative Canadian says bitterly, "You rich, bloody-minded Americans are spending $66 million a day pounding a tiny country to bits." Canadians think Johnson may be egged on by the military to drop The Bomb, or by Rusk to fight China. The State Department is accused of muzzling Canadian newsmen, and US Ambassador William Butterworth is charged with bawling at Canadian MPs and with other porcine behavior.

Escott Reid, a distinguished Canadian diplomat turned college principal, says, weighing his words: "There is today in Canada an increasing sense of frustration [and] an ever-deepening feeling of revulsion against US policy on Vietnam. There is a lessening of confidence in the ability of the US to provide wise leadership for the Western world [and] a growing demand that . . . Canadian foreign policy be much more independent."

Canadians talk boldly of Canada interposing itself between Europe and the American colossus. Canada, after all, they say, is as big as Europe from the Atlantic to the Urals. Such delusions of greatness are encouraged by the often anti-American foreign diplomats who occupy imposingly huge mansions in icy Ottawa.

Dismal realities intrude. Canada is against the Vietnam war and is chummy with most of the third world. But Canada also has an arms production agreement with the US that brings in $400 million a year and doubtless Canadian production helps in Vietnam. Ending the arms agreement would mean closing down Montreal's two biggest plants, Canadair Ltd. and United Aircraft Corporation. Antiwar Canadians, who stoutly urge cutting ties with the American military profits complex, point out that Canada is a lot richer than most of Europe. Yet most Canadians don't feel richer than Europeans, they just feel poorer than Americans. Canadian wages are lower and prices higher than here. A GM car or Chrysler built in Canada costs $1,500 more than in Detroit. Canadians cross the border to load up with American goodies, including food. Canadians long to be free of American leading strings; they also want to winter in Florida.

Nevertheless they have genuine grievances. Giant American corporations own 70 percent of Canada's oil and gas, 60 percent of its minerals, 60 percent of its manufacturing plants. Canadians, who have about $6 billion invested in the US, would like to buy some of their own country back – by acquiring shares in Canadian subsidiaries of American firms – but cannot do so because the subsidiaries simply don't offer shares for sale, blandly explaining that "minority shareholders" would just be a nuisance. Moreover, the subsidiaries regard themselves as being under American law. US-owned companies operating in Canada have refused to sell to Russia, China and Cuba on the ground that such business would offend against trading regulations of the United States Congress.

The Canadian who has done most to publicize the American stranglehold on Canadian industry is Walter Gordon, a stubborn Scot and member of Pearson's Liberal Party who for his pains was tossed out of the Canadian government but managed to wangle his way back in because he is a long-time friend of the prime minister. Gordon passionately denies he is anti-American, saying, "There is no place in Canada for [anti-Americanism] but this does not mean we should sell out to our American friends or to other foreigners." Because of Gordon's dour persistence, Canada is

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now moving toward compelling American subsidiaries to behave less like *gauleiters* in occupied territory. Specifically, the subsidiaries may soon face a painful choice; landing their US principals in jail for breaking American laws, or going to jail themselves for breaking a proposed Canadian law that will make it a crime to refuse trade with countries Canada wants to trade with.

Meanwhile, Canada's biggest province, Quebec, threatens to go on an anti-capitalist kick. For years the 5,260,000 *Quebecois*, most of whom speak only French, were under the heel of dictatorial political boss Maurice Duplessis, who freely used the tough provincial cops to keep the working population in line and subservient to the big companies. Since Duplessis died in 1959, Quebec has undergone what amounts to revolution. For instance, the secondary school population is half a million, compared with only 40,000 in 1950, and is doubling every five years. The voting age in Quebec is 18. A radical political organization called RIN *(Rassemblement pour l'Independence Nationale)* wants to take Quebec right out of the Canadian Confederation and set it up as a sovereign state. RIN points out there are now about 60 countries in the world with populations no bigger, some smaller than Quebec's.

That sounds like a French Canadian move aimed against English Canada, and doubtless it derived much nourishment from General de Gaulle, who last year stunned the Canadian government by crying "Long Live Free Quebec!" from the balcony of Montreal's city hall. But RIN is also radical in another sense. The youthful enthusiasts who support it readily equate independence with "social justice," by which they seem to mean a takeover of key industries and a stern crackdown on any capitalists, foreign or domestic, who try to grab their ill-gotten gains and run before the blow falls.

Most of the big money in Quebec is American. US investors have approximately $6 billion sunk in Quebec enterprises, about a fifth of the total US investment in the whole of Canada. Little wonder, then, that *Quebecois* say, and appear to believe, that the CIA is keeping a close watch on Quebec and that there is now a special "Quebec desk" in the State Department in Washington.

English Canadians are also nervous, of course. When Quebec talks about seceding, they think uneasily of civil war. They fear that if Quebec really pulls out, Canada will collapse, for Quebec has more than a quarter of the country's population, is a huge chunk of Canadian territory, being considerably bigger than California and Texas combined. It contains much of the untapped minerals (including plutonium) on which Canada's hopes for future prosperity and economic independence of the US are pinned. If Quebec separates, Canada will be split not just in two parts but into several, for New Brunswick, Nova Scotia and Newfoundland would be cut off from the rest.

There would be momentous consequences for the US. Montreal, in Quebec, is not only the world's biggest inland port and second largest French-speaking city. It controls the St. Lawrence Seaway that connects the heart of North America with the Atlantic Ocean. If Canada were to break up, the Canadian western provinces, British Columbia, Alberta, Saskatchewan and Manitoba, might decide to seek to merge their identities in the United States. Vancouver is Canada's biggest Pacific port, and through it British Columbia earns a $300 million yearly trade surplus. Political integration of the four western Canadian provinces with the US, or at least a customs union, is held by leading Canadian politicians to be a serious and practicable proposition, if Quebec separates.

Most Canadians, however, would prefer to stay Canadian and continue having a love-hate relationship with the United States. That entails hanging on to Quebec, which in turn means persuading the 4,242,000 French-speaking *Quebecois* not to leave. Almost all domestic Canadian politics turn now on this issue. The *Quebecois* virtually are, as they say, *maitres chez nous*. The province makes its own deals with France, selling its plutonium and granting French prospectors oil and mineral rights. It proposes setting up its own immigration department.

Ontario, Quebec's neighbor and Canada's richest province, has almost a third of the country's population and more than half its industries. The next Canadian prime minister after Lester Pearson may be a French Canadian, but if he wants to hold Canada together he will have to work closely with the Toronto Establishment. In Ontario as in Quebec, most of the money muscle is American.

For this reason, the Liberals in April may prefer to play safe and pick as prime minister a cold fish like Paul Martin, the 64-year-old External Affairs Minister. If they do, Canadian voters at the next election are liable to desert the Liberals for Conservative leader Robert Stanfield, a Nova Scotian whose family fortune derives from manufacturing long johns. Therefore the betting is on Trudeau, who is a surprising man to find in the Liberal Party at all. Only a few years ago, Trudeau blasted Pearson and the Liberals as "spineless idiots" for agreeing to nuclear defense arrangements with the US. He was on the US immigration blacklist for visiting communist countries.

Trudeau today implies he was forgiven. He says lightly, "I protested, and was soon whitewashed off." But has he forgiven the US? Canadians gleefully wonder, and they think the CIA is wondering too.

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The Tonkin Verdict

by John W. Finney

It took three-and-one-half years for all the evidence to be presented on what happened that night of August 4, 1964, in the Gulf of Tonkin. Now, some 100,000 casualties and billions of dollars later, the most lenient verdict that can be reached on the evidence is that the Administration asked the Congress to go to war on the basis of incomplete, conflicting and even misleading information.

That might sound like a harsh indictment, and lest it be misunderstood, it should be pointed out that no suggestion is being made that the Administration fabricated the incident or that no engagement took place that night between North Vietnamese patrol boats and two American destroyers. Rather, the indictment being made is that the Administration reacted precipitately in ordering reprisal air strikes against North Vietnam and then misled Congress about the details of the North Vietnamese attack.

Back in August 1964, it will be remembered, the Administration described the North Vietnamese action as a case of deliberate and unprovoked attack on American destroyers that were on routine patrol in international waters. It was on the basis of this description of the incident that the Administration ordered the first bombing raids against North Vietnam and obtained congressional approval of the Tonkin resolution that was later to be described by the State Department as a "functional equivalent" of a declaration of war against North Vietnam.

The principal point to emerge from the Senate Foreign Relations Committee's reexamination of the incident is that the case of North Vietnamese attack was not as clear-cut as presented by the Administration in August 1964. By minimizing or glossing over the uncertainties in its case then, the Administration perhaps misled itself in those five fateful hours in which it reached a decision to attack North Vietnam. But more importantly, it misled the Congress and thus the American people.

Just how the Administration misinformed by uninforming Congress becomes apparent by comparing the testimony that Defense Secretary Robert S. McNamara presented the Senate Foreign Relations Committee on August 6, 1964 with the testimony he gave the committee last week. Out of the comparison emerge two major questions: Was the attack completely unprovoked or was there an element of American provocation? And, secondly, did the Administration have conclusive proof of North Vietnamese attack before ordering the retaliatory air raids?

Take first the question of provocation. The way Mr. McNamara described it back in 1964, the destroyers were on a "routine patrol" in international waters. That was an essential element in the Administration's case, particularly since it raised the patriotic cry about an attack on the American flag on the high seas. Only last week did it come out that the destroyers were not just engaged in a "routine patrol" to show the flag. Rather they were also engaged in an intelligence-gathering mission, with an assignment, as Mr. McNamara put it, of conducting "visual and electronic surveillance" of the area. In fact, he acknowledged, one of their orders was to "stimulate" the radars and radio circuits of North Vietnam and Communist China. But it was still routine, Secretary McNamara insisted, since such patrols along the coastlines of communist countries in the Western Pacific have been going on since 1962.

Furthermore, Mr. McNamara said, they were "open" patrols in "international waters." But on this point Mr. McNamara introduced a significant and surprise modification of his 1964 testimony. The destroyers, he disclosed, were instructed to approach no closer than eight nautical miles to the North Vietnamese coast and no closer than four miles to any offshore island. After the August 2 attack, the *Maddox*, now joined by the *Turner Joy*, were instructed to remain at least 11 miles from the coast. But still, Mr. McNamara contended, the destroyers did not "leave the high seas" because it was not until some three weeks after the Tonkin incidents that Hanoi radio claimed a 12-mile territorial sea for North Vietnam. For the Administration this was a new argument, seemingly inconsistent with its past position. When the Tonkin resolution was being debated, Senator Fulbright, then defending the Administration's position, referred to the 12-mile limit claimed by North Vietnam. At that point, the Administration, which was supplying Fulbright with arguments, made no attempt to correct his statement. Similarly, in a 1966 hearing of the Foreign Relations Committee, the late John T. McNaughton, then Assistant Secretary of Defense for International Affairs, acquiesced to statements that North Vietnam had claimed a 12-mile limit.

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And finally, as Sen. Claiborne Pell brought out, North Vietnam radio protested after the August 2 attack that its territorial waters had been violated.

Last week's hearings also forced the Administration to discuss another possible element of provocation that was brushed aside in 1964. This was the question of whether there was any relationship – either in the minds of the US Navy or Hanoi – between the patrol of the destroyers and the South Vietnamese naval operations at the time against North Vietnamese positions on the coast of the Tonkin Gulf. Under a US-supported operation, called "Op 34-A," South Vietnamese patrol boats had bombarded the North Vietnamese islands of Hon Nieu and Hon Me two days before the August 2 attack on the *Maddox*. On August 3 – a day before the crucial August 4 incident – the South Vietnamese boats conducted another raid against North Vietnamese positions.

For some inexplicable reason, the usually well-informed Defense Secretary was not aware of the second South Vietnamese attack when he testified on August 6, 1964 – a fact which by itself raises some disturbing questions as to how much high-level officials knew about what was going on in the Gulf of Tonkin during that crucial week. In any event, when the issue was raised back in 1964 by Sen. Wayne Morse, Mr. McNamara testified: "Our Navy played absolutely no part in it[Op 34-A], was not associated with it, was not aware of South Vietnamese actions, if there were any" – obviously an overstatement if not a purposefully misleading misstatement. As Senator Morse disclosed last week, the commander of the Pacific Fleet on August 3 had sent a message proposing a change in the course of the destroyers' patrol in order, among other things, to "possibly draw NVN [North Vietnamese] PGMS [patrol boats] to northward away from the area of the 34-ops." This proposal was never approved by the Joint Chiefs of Staff, but nevertheless it does illustrate that the Navy was well aware of OP 34-A and more importantly was relating the South Vietnamese operation to the destroyer patrol.

When confronted with this evidence, Mr. McNamara, in one of his rare admissions of error, acknowledges there was "an ambiguity" in his 1964 statement. By "Navy," he said he meant that the *Maddox* and commander of the destroyer task group were not "aware of the details" of the Op 34-A operations. But again the Secretary was being ambiguous, for the messages show that the destroyers were aware of the concurrent 34-A operations in the Gulf of Tonkin. On August 3 – 15 hours before the second attack, for example, the task group commander sent a message to the 7th Fleet commander warning that North Vietnam apparently considered the destroyer patrol "directly involved with 34-A operations" and "considers US ships present as enemies because of these operations and have already indicated readiness to treat us in that category."

Why, Senator Fulbright asked, "did his superiors not order him to break it [the patrol] off in view of that cable if they did not wish to provoke an incident?"

"Because," Mr. McNamara answered, "we were on the high seas and operating legally and entirely within our rights. The President stated publicly that we would continue to carry out the patrol in international waters in a legal fashion."

None of the evidence suggests there was necessarily deliberate provocation on the part of the United States. As Mr. McNamara emphasized, the destroyers were separated by time and distance from the South Vietnamese operations. But that does not exclude the possibility of provocation, perhaps unintentional from the US point of view but intentional as seen by Hanoi. How was Hanoi to know that the movement of the destroyers was not related to those of the South Vietnamese patrol craft, which during the period were conducting their first bombardment raids against North Vietnam? How was Hanoi to know that the destroyers had no hostile intent when they were engaged in maneuvers designed to "stimulate" North Vietnamese radar? And finally, if there was no provocation, why did Hanoi order patrol boats, some armed only with 37 mm machine guns, out to tangle in the open seas with heavily armed destroyers – an unfair naval match, as any PT-boat officer can attest?

The second major question is whether the Administration had conclusive proof of the second attack at the time it ordered the reprisal air strikes. On this question there also is a significant contrast between the McNamara testimony in 1964 and last week. In 1964 Mr. McNamara never even hinted that there was the slightest doubt the destroyers had been attacked. But under questioning last week, Mr. McNamara acknowledged that there was considerable doubt for a while, both on the part of the Pentagon and the destroyers. The hearing brought out, for example, that at 1:30 p.m. (Washington time) as the engagement was ended, the destroyer task group commander sent a message: "Review of action makes many recorded contacts and torpedoes fired appear doubtful. Freak weather effects and overeager sonarman may have accounted for many reports. No actual visual sightings by *Maddox*. Suggest complete evaluation before any further action."

For the next five hours – before the "execute order" was issued for the air strikes – Mr. McNamara described how the Administration examined and reexamined the evidence. The delay may have reflected prudence; but it also reflected doubts as to whether the attack had taken place.

Before issuing the "execute order," Mr. McNamara

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insisted, the Administration had "conclusive" proof of the attack. But once again he indulged in one of his misleading overstatements. In support of his contention he noted how the director of the Joint Staff had "analyzed the incoming information from message traffic" and "then gave his evaluation to the Secretary of Defense: 'The actuality of the attack is confirmed'." Not mentioned by Mr. McNamara was that this evaluation was not given until three days after the decision.

Mr. McNamara acknowledged that some of the reports from the destroyers were ambiguous and conflicting, although he insisted they were sufficient to reach the decision of a North Vietnamese attack. But springing another surprise, Mr. McNamara said the incontrovertible proof came from intercepted North Vietnamese radio messages. These messages, he said, showed that the North Vietnamese boats had been ordered to attack the destroyers, that the boats reported they were attacking and then that they were breaking off the engagement with the loss of two craft. Unfortunately, for intelligence security reasons, the intercepted radio messages were censored from the testimony, so it is impossible to judge to what extent they support the Administration's case. But at least two senators who have read the messages – Senator Fulbright and Senator Gore – suggest they do not support the Secretary's conclusion that an attack was under way.

The basic point at issue, however, is not whether the second attack took place or not. Even such outspoken critics as Senator Morse are willing to acknowledge the attack. What is at issue is the whole decision-making process followed by the Administration, first in reacting to the incident and then in dealing with Congress. The evidence may have been conclusive to the Administration, but was the confused nighttime engagement, in which no damage was done to American destroyers, sufficient provocation for immediately launching 64 air strikes against North Vietnam and then going to Congress for what amounted to a declaration of war against Vietnam? The Administration can argue that the near-unanimous vote by which the Tonkin resolution was approved proves that the evidence was sufficient and its actions justified. But after the retrial it is apparent that the Senate Foreign Relations Committee – and Congress as a whole – would not have been so quick or unanimous in approving the resolution if they had known then about the mounting doubts about the attack, had been told about the intelligence mission of the destroyers, and had been aware of the concurrent South Vietnamese naval operations against North Vietnam.

The Administration comes out of the retrial in a peculiar position. It has probably proved that the second attack took place. But in proving its case, it has undermined its credibility three-and-one-half years ago and now. It has justified its actions in seeking the Tonkin resolution, but in the process compounded congressional doubts about the resolution. The new evidence has had the effect of making the committee feel it was misled about the resolution in the original instance. If nothing else, the retrial may have made a dead letter of the Tonkin resolution. Certainly the Administration is not going to be so ready in the future to cite the resolution as an expression of congressional support for the American involvement in the Vietnam war. And in the long run the retrial is likely to force a reexamination in Congress – and hopefully in the executive branch – of how the nation should go about declaring a "limited war."

A Talk with Senator Fulbright

Sen. J. W. Fulbright of Arkansas and the Foreign Relations Committee hasn't taken off his wall the six, eight-by-ten, signed glossy pictures of Lyndon Johnson. For he hasn't given up on the President or abandoned hope that the Administration will choose a negotiated peace over military victory in Vietnam. "The fact that they *haven't* changed," Fulbright said last week, "is not any guarantee that they *won't* change. . . . Consequences of their actions tend to pile up. It's becoming more evident to more people that this is a disastrous course they're following and, assuming they have some sensitiveness to these developments, they will change. Of course, this self-delusion they engage in of claiming victory every time a disaster comes along is rather hard to deal with. I don't know whether they believe this or not."

An "arduous" week of hearings and acrimonious exchanges with Robert McNamara left Fulbright discouraged but not despairing; his feelings of powerlessness have not caused him to wish to leave the Foreign Relations Committee and join the demonstrators in the streets. He has no taste for long-haired protestors who seem to fit the pejorative characterizations Johnson has given them. And he has no truck whatever with draft resistance and other illegal protest. "Counterproductive," he says.

Senator Fulbright believes that the constitutional balance between the executive and legislative branches

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can be restored – through a change of attitude on the part of a Congress. Thus changed, it would no longer issue blank checks like the Tonkin Gulf resolution, which Fulbright sponsored and regrets more than anything he has ever done. He wishes Congress to be less passive when under White House pressure. Although he is not very specific about it, he seems to believe that an attitude change would do the trick.

For all his criticisms of the war and those responsible for carrying it on, Fulbright remains the Southern gentleman. He cares for good manners and was very upset when Rusk sent him a "rude" letter. He was angered too when McNamara accused the committee of a "monstrous" charge of Administration conspiracy to widen the war, using the confrontation in the Gulf of Tonkin as a pretext. The senator takes umbrage easily. He deplores the etiquette gap. But Mr. Fulbright has more on his mind than foreign policy. He is an organization man and a politician up for reelection. He shares with the Kennedys a distaste for martyrdom. The candidacy of Eugene McCarthy, whose view of the war is not unlike his, "serves a useful purpose," "precipitates discussion," "raises questions." But Fulbright is not for McCarthy. "It's premature to make commitments," he says, knowing that it is not. Still, the course of the war may shift, and that might make supporting Johnson more palatable. If it doesn't? "Well," he says, "I think that decision should be reserved for a time closer to when one makes those decisions. I don't think it's profitably useful for a man in public office to engage in hypothetical speculation about events far in the future." DAVID SANFORD

A Reform of the Code Is Long Overdue

Military Injustice

by Edward F. Sherman

The last major reform of military law took place in 1950 when the Uniform Code of Military Justice was passed by Congress. An outcry against court-martial abuses during World War II had led to the appointment of investigating committees (headed by General James Doolittle and Justice Arthur T. Vanderbilt) which recommended an overhaul of military law and new emphasis on soldiers' rights. The Code as finally approved was a compromise. It provided vast new procedural protections for servicemen, but commanders were left in control of courts-martial (General Eisenhower testified that loosening command control would weaken discipline); the lower courts-martial (summary and special courts-martial) were not made into real courts but left as semi-disciplinary hearings without mandatory provisions for lawyers, and no attempt was made to improve the inferior position and prerogatives of the enlisted man. In short, the worst aspects of drumhead justice were removed, but military justice remained a disciplinary, rather than a strictly judicial, affair. Professor Edmund Morgan of Harvard Law School, the chief drafter of the Code, commented somewhat ruefully: "The services have the opportunity of demonstrating to Congress that the concessions made in the Code to the demands of effective discipline do not impair the essentials of a fair, impartial trial and effective appellate review."

Now, some 18 years and two wars later, it is apparent that the concessions made in the Code to the demands of discipline have affected the quality of military justice. The first report in 1953 of the committee required to make an annual assessment of the Code recommended 17 immediate changes. Remedial bills were proposed throughout the 1950's, and a sweeping American Legion bill in 1959 proposed taking away court-martial jurisdiction to try servicemen for civilian-type crimes, further limiting commanders' control of courts-martial, requiring lawyers in special courts-martial, and having civilians on courts-martial and Boards of Review. But the edge of reform had been blunted by the passage of the Code, and the reform bills were toned down by congressional committees,

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picked over by the Pentagon, and finally packaged into a rather benign omnibus bill.

Advocates of reform of military law have difficulty getting very excited about this omnibus bill. It makes a few needed and valuable changes in court-martial procedures and administrative discharges, but it does not attack the core problem – the failure of the Code to make military justice a genuine judicial system. This weakness is observable in the every-day operations of military law: a domineering commander can influence the outcome of a trial; the absence of lawyers in lower courts-martial can result in an Alice-in-Wonderland trial where legal terms are garbled, procedures are misunderstood, and legal rights are ignored; built-in favoritism toward officers, both in and out of court, can prevent equal treatment under the law; and the attitudes of the members of the military who administer the court-martial can be so lacking in understanding of modern concepts of criminology, constitutional due process and individual rights that a fair and impartial trial is jeopardized.

Command influence is the most serious threat to justice in the military. Courts-martial are the responsibility of the commander, and so every trial is, in a sense, a test of his disciplinary policies. The commander is in complete control of the machinery; he decides whether to bring charges, he appoints the court (similar to a civilian jury), the law officer (judge), the trial counsel (prosecutor), and the defense counsel from among his junior officers, and he reviews the sentence with the power to reduce or waive it. It is a little like having a district attorney act as grand jury, select the judge, both attorneys and the jury from his staff, and then review the sentence on appeal. The Code, in an attempt to preserve a fair trial, forbids commanders from influencing the action of a court-martial, but the possibility that a junior officer can banish the influence of his commander (who rates him and controls his assignments) is about as likely as a senator not being influenced by accepting large gifts.

Events of the past year confirm the opinion that weaknesses of the 1950 Code *are* seriously impairing the quality of military justice. It was one of the rockiest years for military law in the history of the Code with deficiencies splitting out at every seam. There were the charges last July against Major General Thomas Lipscomb, commanding general of Ft. Leonard Wood, for tampering with court-martial trials, the worst case of command influence in years. (He was cleared by the investigating law officer of "improper" influence after some three months of testimony that he had threatened counsel, pressured court members, and actively worked for harsher sentences.) The old specter of officer favoritism cropped up in two separate courts-martial last summer when Army and Marine enlisted men were convicted of murdering Vietnamese POW's, while their officers who were alleged to have given the orders were acquitted (officers are tried by an all-officer court while enlisted men are only entitled to a court composed of one-third enlisted men). Then there was the stockade riot at Ft. Dix, New Jersey, last summer, the worst in years, when a hundred minor offenders, many of them teen-agers who are not usually a confinement problem, took over a compound and had to be put down by 140 MP's and police. And throughout the year there were the courts-martial of Vietnam dissenters, Captain Howard Levy, Privates Andrew Stapp, Richard Perrin and others (See "Dissenters and Deserters," *NR*, Jan. 6, 1968), a continual reminder of the absoluteness of the demand for conformity within the military and the limited nature of soldiers' individual rights.

The passage of time has tended to compromise even the strong points of the Code. The Code provided a number of guarantees which, in 1950, surpassed those of most civilian courts, but the Supreme Court's revolution in criminal law over the last decade has brought civilian standards up to, and in many cases past, the guarantees in the Code. For example, the 1963 *Gideon* v *Wainwright* decision that indigents are entitled to a lawyer makes the Code provision that only a counsel (usually a nonlawyer junior officer) will be provided in special courts-martial, a second-rate right at best. And the 1966 *Miranda* decision that a full warning of rights must be made prior to police interrogation makes the Code's requirement of a warning (which does not include telling the accused that a lawyer will be provided on request) insufficient.

Supreme Court decisions do not directly affect the military because military law has been held to be an autonomous legal system not subject to the same constitutional standards as civilian courts. (However, the Court of Military Appeals, a civilian court created in 1951 by the Code as a sort of "military Supreme Court," has applied a number of Supreme Court decisions to the military, the latest being the application of *Miranda* to the military in *US* v *Tempia* in 1967.) Most of the objectionable practices in military law are in those very areas where the military has not been required to comply with civilian constitutional standards on the grounds of "military necessity." For example, servicemen are not entitled to a lawyer in special courts-martial (which account for two-thirds of the over 60,000 yearly courts-martial and, although

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not as serious as the general court-martial, can still try any offense including murder and adjudge six months imprisonment, fines, demotion and a bad conduct discharge). The case of Private James E. Stapley is an example of how serious a deprivation of the right to a lawyer can be. Stapley, 19 years old, was charged in a special court-martial with check fraud, AWOL and three other military crimes. His request for a lawyer was refused, and a captain in the Veterinarian Corps, whose only legal training had been some classes in military law, was appointed his counsel. The captain confused the law, incorrectly told him he had no defense, and advised him to plead guilty. Stapley later succeeded in overturning his conviction on *habeas corpus* to the federal district court in Utah on grounds of denial of his 6th Amendment right to counsel, but other decisions by the higher US circuit courts and the Court of Military Appeals have now held that a serviceman is not entitled to a lawyer in a special court-martial unless Congress changes the Code.

Since many of the military crimes in the Code are taken with little change from the 18th-century British military law, the Code abounds with crimes which are unconstitutionally vague under present-day standards. For example, Article 133 forbids "conduct unbecoming an officer and a gentleman"; Article 134, "disorders and neglects to the prejudice of good order and discipline"; Article 117, "provoking or reproachful words or gestures towards any other persons subject to the Code"; and Article 88, "contemptuous words against the President, Vice President, Congress, Secretary of Defense, Secretary of a Department or a legislature of any State." These crimes are more often honored in the breach than in the observance (the mind conjures up a scene of MP's patroling a bar filled with sailors to overhear any contemptuous words about the state legislature or arresting the commander and his staff at an officers' club drinking party for conduct unbecoming an officer), and they are often used only when the commander wants to get someone. Lieutenant Henry Howe Jr. was sentenced to two years under Articles 133 and 88 for carrying a sign referring to "Johnson fascist aggression in Vietnam" in an off-post rally, and other Vietnam dissenters have been charged under these imprecise articles. These provisions may be necessary to maintain military discipline, and few would quarrel with the military's right to discipline men for obvious infractions. But there is a vast difference between a disciplinary punishment and a court-martial sentence of several years' imprisonment for violations of articles which are so vague that military men cannot agree as to what conduct they forbid. The Code should be rewritten to remove these overly ambiguous crimes, and the line between discipline (a commander has the authority, under Article 15, to assess disciplinary punishments, without court-martial, of up to one month's confinement, demotion and fines) and the more serious court-martial should be clearly demarcated.

Now that the Supreme Court has broadened the right to an effective appeal, the court-martial appeal procedures appear deficient. Special court-martial convictions are only reviewed by the convening authority and the staff judge advocate (except when a bad conduct discharge is adjudged), and since the convening authority is the man's commander and the staff judge advocate is the commander's lawyer, the review is hardly equivalent to a civilian appeal to an independent and impartial court. Since verbatim transcripts are rarely made of the trial proceedings, it is even more difficult for trial errors to be reviewed. There is no right to bail in the military, and although men are not usually confined prior to trial or pending completion of their appeal, dissenters like Lieutenant Howe and Captain Levy were denied release while their appeals were pending, despite their meeting the usual civilian standards for release on bail. The ACLU, representing Levy, has been unsuccessful in its suit in the federal courts to require the military to grant a right to bail.

The most revolutionary portions of the prepared omnibus bill relate to administrative discharges and special courts-martial. A serviceman can now be given a bad conduct discharge in an administrative proceeding without a judicial-type hearing or representation by a lawyer. Recent civil service regulations have established the right of a civil servant to a full hearing before dismissal, with a right to cross-examine, present evidence, and have a lawyer, but servicemen have no such rights. The omnibus bill provides an opportunity to confront witnesses and evidence and to obtain compulsory appearance of favorable witnesses and evidence in an administrative discharge hearing (as well as in courts-martial and other military hearings). The special court-martial provisions in the bill are the most controversial since Senator Sam Ervin (D, N.C.), chairman of the Senate subcommittee on constitutional rights, added the provision last year that lawyers must be provided in all special courts-martial. (Congressman Henry Gonzalez [D, Tex.] has introduced a similar bill in the House in the last two sessions.) But the military, with anguished cries that there are not enough military lawyers and that discipline would be endangered, will undoubtedly bring substantial pressure to have this provision stricken from the bill.

The basic fact is that the present 1950 Code is totally out of date. It was drafted largely in terms of Von Clausewitz's concept of the military (in his treatise *On War* for the 19th-century Prussian Army) that a soldier must submit to "obedience, order, rule and method" and have no opinions contrary to the interests

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of the state. Dwight Eisenhower's generation could accept that concept. Eisenhower, the professional soldier, never questioned the right of the military to repress the rights of the individual, as shown by his story in his autobiography, *At Ease*, of being called before the chief of the infantry after World War I for writing a paper for a military journal which was critical of Army tactics: "I was told that my ideas were not only wrong but dangerous and that henceforth I would keep them to myself. Particularly, I was not to publish anything incompatible with solid infantry doctrine. If I did, I would be hauled before a court-martial."

The situation is vastly different today. The United States is in its 18th year of continuous drafting, and the military today, more than at any time except the height of the two world wars, is made up predominantly of civilians.

The Doolittle Board reported in 1946: "There is a need for a new philosophy in the military order, a policy of treatment of men, especially in the ranks, in terms of advanced concepts in social thinking. The present system does not permit full recognition of the dignities of man." The Board's recommendations, largely ignored, are still valid – abolish rules and traditions which forbid and discourage social association between officers and enlisted men; eliminate the terms "officers" and "enlisted men" and substitute the term "soldier" for everyone; reduce special privileges for officers and discriminations against enlisted men; abolish the salute off-base and off-duty; create respect for the individual rights of soldiers. This type of "democratization" of the American military is long overdue. The Israeli Army, with its similar mixture of professionals and short-term citizen soldiers, does not have many of the class distinctions and vast differences in privileges between officers and enlisted men which exist in the American military, and it serves as proof that "democratization" does not affect an army's fighting capabilities. A movement for a revamping of the role of the serviceman within the military was begun on December 23, 1967 when a group of servicemen, acting under the auspices of an antiwar group, the New York-based Committee for GI Rights, established the "first servicemen's union," modeled after a similar organization in the Bundeswehr of West Germany. There may be a place for the trade union movement in the military, and demands for broader rights and higher pay for enlisted men will undoubtedly increase as graduate students are drafted in coming months.

Now, with the rapid Vietnam war buildup and the substantial numbers of unwilling draftees and reservists swelling the ranks of the military, an assessment of whether the rules and concepts which have governed our military are still satisfactory should be made.

Pray-In at Ft. Jackson

Columbia, S. C.

More than 20 antiwar GIs gathered at a chapel here the night of Feb. 13 for a "pray-in." Col. Chester W. Davis, the base's Administrative Officer, told the men to disperse. Five men remained in front of the chapel and were charged with disorderly conduct. Pvt. Steve Kline and Pvt. Robert Tatar actually knelt to pray. "I give you a direct and lawful order to stop praying and leave the area," said one of the officers. Kline and Tatar stayed on their knees, were dragged to a nearby jeep and taken to base headquarters for interrogation. At first the Army told reporters that there would be no charges; later on the base Public Information Officer said that the two men would be court-martialed.

The following week a second pray-in was scheduled. This time the Army was prepared. The most committed dissenters were put on special work details; it was made plain that anyone else who wanted to demonstrate would be given the same treatment as Kline and Tatar. From six o'clock that evening the main gates, which are always open on week nights, were closed to all unauthorized personnel.

I managed to get onto the base, but as I was walking toward the chapel I was picked up by an MP: "I'm afraid I'll have to detain you at military police headquarters until I get further instructions."

It was like a precinct station in Detroit during last summer's riots. Squad cars kept reporting in. "Two unaccompanied females seen near movie theatre number one," I heard as I entered the station. "There are two reporters over at gate number 2," one MP phoned in. "Should I take their names?" "Should I write down the license plate numbers of the cars I turn away, sir?" another asked.

As it turned out only two soldiers went to the chapel. They left when the MP's took their names.

But that same night Fort Jackson officials began having second thoughts about punishment. Congressman William Fitts Ryan had called up the base commander and urged leniency. Reporters from *The New York Times* and *The Washington Post* had come to Fort Jackson to cover the story. Charles Morgan, the American Civil Liberties Union lawyer who had handled Howard Levy's case, was in Columbia preparing to defend Tatar and Kline. Court-martial proceedings against Tatar and Kline were dropped.

Feeling against the war here is more widespread than the response to the pray-in suggests. "I'd say that about 40 percent of the guys in my company are against the war," said one private who is slated to go to Vietnam this week. "Yeah, I think you're right," said another. "But I don't know how many will act on what they believe."

Paul Cowan

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Stanley Kauffmann on films

Three For the Road

The Fox (Claridge)
Charlie Bubbles (Regional)
Bye, Bye, Braverman
(Warner Bros.-Seven Arts)

Under the British raj, an Indian who had been to a university without taking a degree might get himself visiting cards with the words "Failed B.A." after his name. *The Fox*, made from Lawrence's novella of the same name, could add the words "Failed D.H." This is not because of necessary screen adaptation or because the action has been moved to Canada, but because the screenwriters, Lewis John Carlino and Howard Koch, have adapted the novella less for the screen than for screen vogues. Lawrence was concerned with the forces implied in actions; the film is much more interested in explicit actions.

The outlines of the story have been preserved. Two young women live on a farm in a potential, if not yet actual, Lesbian relation. A young man, who used to live on the place, returns; stays; divides the two women and takes one. The women had been plagued by a fox who raided their hen house; the young man is a symbolic fox. Stripped of Lawrence's ambiguities and dark powers, the film could still have been a moving, eccentric sex triangle; but it does not hold us. Partly this is because of the director, Mark Rydell, who lays in lots of landscape shots that are supposed to bring us close to nature's currents, but are really only a slow method of covering time lapses. Even more harmful is Sandy Dennis' performance in the softer of the two female roles. Miss Dennis, as she showed in *Up the Down Staircase*, is an immediately arresting actress whose arrest soon expires; she can hold you for the first two minutes of any two-hour film. Then, over and over, you see the Dennis eye-shutting in mid-line to imply some kind of sensitivity, the false vocal start on almost every line so that she can repeat it and convey naturalness, the brocade of headshakes and nods that she weaves around every line, even a monosyllable like "No." None of these has anything to do with genuine creativity. They are just Miss Dennis laboring away heavily to draw attention to her self-esteemed quaintness and charm. In past eras when all acting, including the best, was conceived on broad lines, overacting was called ham. In a time when most acting is in restrained "interior" modes, overacting is still overacting. To me, Miss Dennis is a ham.

Keir Dullea is miscast as the young man. He is an actor of a certain neurotic truth, but it is not the quality wanted in this simple, easily male role. Dullea seems to have been chosen because, at a certain angle, his nose and mouth and coloring seem vulpine.

There is only one real strength in the film – the performance and presence of Anne Heywood, as March. Miss Heywood, who is English, has been in some minor films, but I cannot remember seeing her before. She has a lovely and strong face, excellently modeled for films; a good voice and subtly inflected control of it; a clear imagination that gives her acting truth and tension. (The color photography also does well by her green eyes.) Any validity in the film is her gift to it – a credibility that homosexuality and heterosexuality exist and contend in her and that her being is worth some contention.

Albert Finney has directed his first picture, and he also stars in it. Both the hero and the film are called *Charlie Bubbles*, but Charlie doesn't – which is the point of the story. In a different sense, this is also its downfall.

The script is by Shelagh Delaney, who wrote *A Taste of Honey*, and it tells of a few days in the life of a rich young English writer, originally from the Midlands, now living in London. He has found that success is hollow, folks. The film simply exposes, rather than dramatizes, some somnolent episodes in his life – like barely animated *tableaux* from a stale modern morality play – that show how Charlie's big London house and Rolls and fame do not compensate for the atrophy that has set in, that has already divorced him from both wife and child.

Not only does the picture fumble in its reach for revelation, it begins and ends with two completely phony "movie" scenes. In the first, Charlie and another Midlands writer slosh each other with food and sauces in a posh London restaurant. It is all done calmly with the men taking turns, and I daresay is meant to show their contempt for their new *luxe* life, but it is just bad Laurel and Hardy. At the very end Charlie goes off into the sky in the basket of a balloon that has suddenly appeared outside his house. In between the opening and closing, as Charlie drives up to the Midlands to visit his small son and ex-wife, we are treated to a series of scenes that are written like freshman imitations of Pinter. Finney's direction is imitation Antonioni. Here is still another director who thinks that, by putting in pauses and taking out climaxes, you make an Antonioni film.

There is certainly a story to be told about the hero of *Saturday Night and Sunday Morning* after, figuratively, he gets educated a bit, shows some talent, and makes a smash.

Charlie's case has been duplicated, in several fields, many times in Britain's last decade. But we get here only a hint of the fundamental paradox: the Charlies have been struggling for centuries to get out of their class bondage and, once sprung, find that their class has nourished them, that they are starving without it. This is not to argue for a return; it is simply to prepare for some uncomfortable transition. If Charlie's little son grows up to be a success, he will probably be able to *enjoy* its hollowness.

I was glad to see Finney in the Broadway production of *Joe Egg* because it removed my fear, based on this film, that he was suffering from ambulatory catatonia. Like Director Finney, Actor Finney thinks that doing nothing is the way to represent spiritual void. Some of the others have an edge to them, like an ex-mistress, well and briefly played by Yootha Joyce. Billie White-

(Continued on page 37)

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White Standards and Negro Writing

There is a growing body of Negro writing which is not to be thought of simply as writing by Negroes. It is not something susceptible of being democratized and assimilated in the same way that writing by Jews has been. The movement there was, very roughly, from Jewish writing to Jewish-American writing to writing by authors

Soul on Ice
by Eldridge Cleaver
(McGraw-Hill; $5.95)

"who happen to be Jews." But the new Negro writing I am talking about isn't the work of authors who *happen* to be Negro; it doesn't make up the kind of movement within a broader culture by which minorities, such as the Jews or the Southerners in our own society, contribute from their special cast of mind and imagination and their particular historical and psychic backgrounds something "universal," increments to the literary or intellectual traditions.

These Negro writers I am speaking of take their blackness not as a starting point for literature or thought and not as a marshaling ground for a position in the parade of national images and forms, but as absolute theme and necessity. They make philosophies and fantasias out of their color, use it as weapon and seat of judgment, as strategy and outcry, source of possible rebirth, data for a future existence and agency of revolutionary change. For such men and women, to write is an almost literal means of survival and attack, a means – more radically than we have known it – to *be*, and their writing owes more, consciously at least, to the embattled historical moment in which American Negroes find themselves than to what is ordinarily thought of as literary expression or the ongoing elaboration of ideas.

That universality is not among the incentives and preoccupations of this writing is something that makes for its particular, if sometimes provisional strength. A book like *The Autobiography of Malcolm X*, the type and highest achievement of the genre (if we have to call it that), forges its own special value and importance partly through its adamant specificity, its inapplicability as a model for many kinds of existence. Its way of looking at the world, its formulation of experience is not the potential possession – even by imaginative appropriation – of us all; hard, local, intransigent, alien, it remains in some sense unassimilable for those of us who aren't black. And that is why it has become, to an even greater degree than novels like *Native Son* and *Invisible Man*, the special pride and inspiriting book of so many American Negroes.

Malcolm's literacy, his capacity to write the book at all, were of course formed by what we have to call white traditions, but the book was not a contribution to those traditions, not another *Education of Henry Adams* or *Apologia Pro Vita Sua*, documents of the white, normative Western consciousness and spirit, which Negroes in America today have begun to repudiate in ways that are as yet clumsy, painful and confused. The point is that most Western intellectual autobiographies, apart from the writings of revolutionaries in whom the life was subordinate to the action in the world, have been luxury documents. Rising out of an already assured stock of consciousness and technical means, building on a civilization which had thrown up many precedents and models for the extension of the self into memorial and apologetic literature – writing which *takes for granted* the worth, dignity and substantial being of the individual, his right to talk about himself in public – such books could only have provided Malcolm with certain technical or organizational principles of procedure. As for spiritual models, could he have learned from *Up from Slavery*, that book which so many American Negroes so fiercely repudiate today as much for its having been written in the borrowed, deferential spirit of imitation of Western sagas of the self as for its explicit Uncle Tomism?

There was a central element of dishonesty in White liberal reactions to Malcolm's book. It should have alarmed them far more radically than it did. But by praising Malcolm for his candor, his "power" or his "salutary indictment of our society," by making a literary compatriot of him, the White cultured community effectively blunted the really unsettling fact about his book: that it was not written for us. It was written for Negroes: it is not talking about the human condition (that Western idea which from the battle line looks like a luxury product) but about the condition of Negroes; it was not, moreover, anything less – although it was other things as well – than a myth for Negroes to live by now, as we have our myths of so many kinds.

The Negro doesn't feel the way whites do, nor does he think like whites – at the point, that is, when feeling and thought have moved beyond pure physical sensation or problems in mathematics. "Prick me and I bleed," Shylock rightly said, but the difference begins when the attitude to the blood is in question: Negro suffering is not of the same kind as ours. Under the great flawless arc of the Graeco-Roman and Judeo-Christian traditions we have implicitly believed that all men experience essentially the same things, that birth, love, pain, self, death are universals; they are in fact what we mean by universal values in literature and consciousness. But the Negro has found it almost impossible in America to experience the universal as such: this power, after all, is conferred upon the individual, or rather confirmed for him, by his membership in the community of men. Imagine how it must be to know that you have not the right to feel that your birth, your pain, your joy or your death are proper, natural elements of the human universe but, are, as it were, interlop-

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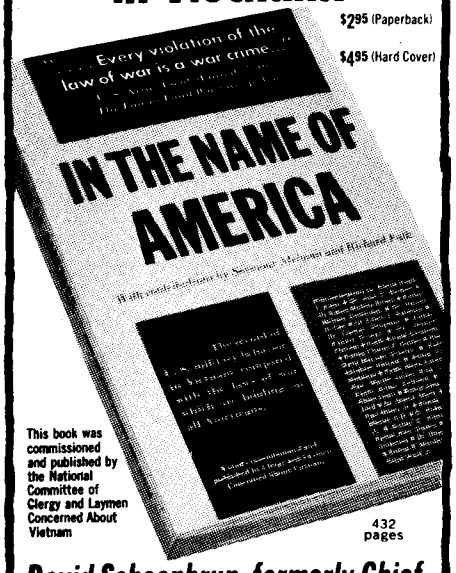

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ers, unsanctioned realities, to be experienced on sufferance and without communal acknowledgement.

"We shall have our manhood. We shall have it or the earth will be leveled by our attempts to gain it." So writes Eldridge Cleaver in his book, *Soul on Ice,* a collection of letters, essays, reflections and reports from his life which go to make up a spiritual and intellectual autobiography that stands at the exact resonant center of the new Negro writing I have been referring to. Cleaver's book is in the tradition – that just formed current – of Malcolm X's, and the latter is its mentor in the fullest sense. Unsparing, unaccommodating, tough and lyrical by turns, foolish at times, unconvincing in many of its specific ideas but extraordinarily convincing in the energy and hard morale of its thinking, painful, aggressive and undaunted, *Soul on Ice* is a book for which we have to make room – but not on the shelves we have already built.

Cleaver was born in Arkansas in 1935, grew up in the Negro ghetto of Los Angeles and at eighteen was sent to prison for possessing marijuana. Since then he has spent most of his time in one or another California prison, being at present on parole from the institution at Soledad and living in the Bay Area where, the dust jacket quotes him as saying, he works as a "full-time revolutionary in the struggle for black liberation in America." He is a staff writer for *Ramparts,* minister of information for the Black Panther Party for Self-Defense, and at work on a book about "the future direction of the black liberation movement."

The year he first went to prison was the year of the Supreme Court decision overthrowing school segregation, and Cleaver holds the two events in firm, unambiguous relationship. The decision moved him into thought for the first time: "I began to form a concept of what it meant to be black in white America." As his intellect sought materials he turned to the great White revolutionaries – Marx, Tom Paine, Lenin, Bakunin, Nechayev (most of whom he must have read in periods outside prison) – and later to Negro writers like Richard Wright, W. E. B. Du Bois and of course, with enormous impact on him, Malcolm X. The last stages of his education seem to have been his reading of white writers like Mailer, Burroughs and Ginsberg, who put him in touch with certain energies and approaches which he badly needed to escape provincialism.

He started to write a few years ago, he says, "to save myself." For from being jailed for possessing pot he had passed to true criminal status. Agonized, furious, blind with vengefulness, he had embarked after completing his first sentence on a deliberate career as a rapist, first with Negro women as victims – "in the black ghetto where dark and vicious deeds appear not as aberrations or deviations from the norm, but as part of the sufficiency of the Evil of a day" – and then with whites. "I had gone astray – astray not so much from the white man's law as from being human, civilized. . . ."

This struggle, to be human and civilized without submitting oneself to the *whiteness* of those words, and above all without submitting to fear of the Law which embodies them, is at the heart of much passionate activity among Negroes in America today. It was Malcolm X's struggle: in that change of heart and mind he underwent before his death, and which was the immediate cause of his death, Malcolm worked himself free of racism, out of the trap of being merely opposed, of being, therefore, fixed in the reduced identity of the opponent. "I have, so to speak," Cleaver writes, "washed my hands in the blood of the martyr, Malcolm X, whose retreat from the precipice of madness created new room for others to turn about in, and I am now caught up in that tiny space, attempting a maneuver of my own."

That tiny space: from one perspective it is the space between absolute hatred and repudiation of all whites and Uncle Tomism, from another, wider one the murderously curtailed room anyone of us has to remain human and yet to *make something happen,* to change things. For Cleaver, the "maneuver" he carries out is an effort at grace, complexity and faithfulness. It is to *be* Negro, with no concessions, no adaptations to white expectations, but at the same time to hold back from excess; it is to be able to invent myths and intellectual schemes for holding Negro experience and providing for a Negro

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future, but at the same time to distinguish in the white-controlled present whatever has remained human and might recommend itself as ally.

Cleaver finds the ally among young whites, whose "prostrate souls and tumultuous consciences" are evidence to him of the great split in this country of which the racial war is only one, if major constituent. "There is in America today," he writes, " a generation of white youth that is truly worthy of a black man's respect," "a rare event" in our "foul history." They are a generation which has lost its heroes, and Cleaver has no hesitation in asserting that the new heroes are black or yellow or Latin, in any case never Anglo-Saxon: Mao, Castro, Ché Guevara, Martin Luther King, Ho Chi Minh, Stokely Carmichael, Malcolm. (In the several years since he wrote this, his list of heroes has been reduced by time's erosion of ideality – Nasser, Ben Bella and Kwame Nkrumah have of course lost their revolutionary credentials – but the general truth holds up.)

Yet having made his acknowledgements to white revolutionary youth and distinguished, as it is crucial to do, the fact that the political conflict in this country is "deeper than race," Cleaver keeps going back to race as his theme and arena. As a self-described "ofay-watcher," he has his eye on a hundred manifestations of American ugliness or depravity or dishonesty, but he is not a social critic for *our* sake: his is a Negro perspective, sight issuing from the "furious psychic stance of the Negro today," and in its victories of understanding, its blindnesses and incompletions, its clean or inchoate energies, its internal motives and justifications, his writing remains in some profound sense not subject to correction or emendation or, most centrally, approval or rejection by those of us who are not black.

I know this is likely to be misunderstood. We have all considered the chief thing we should be working towards is that state of disinterestedness, of "higher" truth and independent valuation, that would allow us, white and black, to see each other's minds and bodies free of the distortions of race, to recognize each other's gifts and deficiencies as gifts and deficiencies, to be able to quarrel as the members of

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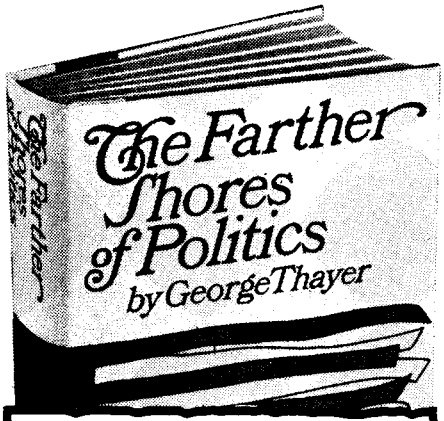

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an (ideal) family do and not as embattled tribes. We want to be able to say without selfconsciousness or inverted snobbery that such and such a Negro is a bastard or a lousy writer.

But we are nowhere near that stage and in some ways we are moving farther from it as polarization increases. And my point has been that it would be better for all of us if we recognized that in the present phase of interracial existence in America moral and intellectual "truths" have not the same reality for Negroes and whites, and that even to write is, for many Negroes, a particular act within the fact of their Negritude, not the independent, universal, "luxury" work we at least partly and ideally conceive it to be.

Here is Cleaver on a social manifestation of what I am talking about:

> "One thing that judges, policemen and administrators never seem to have understood, and for which they certainly do not make any allowances, is that Negro convicts, basically, rather than see themselves as criminals and perpetrators of misdeeds, look upon themselves as prisoners of war, the victims of a vicious, dog-eat-dog social system that is so heinous as to cancel out their own malefactions: in the jungle there is no right and wrong."

To turn from this to intellectual creation is to indicate how I myself, a "judge" who passes on writing, must take something into account. Cleaver's book devotes a great deal of space to his elaboration of a structure of thought, a legend, really, about the nature of sexuality in America today. Some of it is grand, old-fashioned Lawrentian and Maileresque myth-making:

> "This is the eternal and unwavering motivation of the male and female hemispheres, of man and woman, to transcend the Primeval Mitosis and achieve supreme identity in the Apocalyptic fusion."

Some of it is a Marxist-oriented analysis which ends by creating certain large controlling figures by which to account for experience. These are the white man, the "Omnipotent Administrator," the white woman, the "Ultrafeminine," the Negro man, the "Supermasculine Menial," and the Negrow woman, the "Subfeminine Amazon." Sexually each has been forced into a role, as a result of his or her position in the society, and this frozen typology is what we have to battle against.

I find it unsatisfying intellectually, schematic and unsubtle most of the time. I don't want to hear again that the white man has been cut off from his body or that the Negro male has been forced back into his, that the Negro penis is more alive or the white woman's sexuality is artificial and contrived. Yet I don't want to condemn it, and I am not sure I know how to acknowledge it without seeming patronizing. For Cleaver has composed a myth to try to account for certain realities, Negro realities more than white ones: the fascination of Negro men with white standards of female beauty, the painfulness of having one's sexuality imprisoned within class or racial lines, the refusal of the society to credit Negroes with mind, the split between Negro men and women.

He knows what he is talking *from*, if not fully what he is talking *about*, and it is not my right to compare his thinking with other "classic" ways of grappling with sexual experience and drama; it isn't my right to draw him into the Western academy and subject his findings to the scrutiny of the tradition. A myth, moreover, is not really analyzable and certainly not something which one can call untrue.

But Cleaver gets me off the hook, I think, by providing me with a very beautiful section to quote, a letter "To All Black Women, From All Black Men," in which ideas are subordinated to intense feeling and the myth's unassailable usefulness is there to see. In it he addresses the Negro woman as "Queen-Mother-Daughter of Africa, Sister of My Soul, Black Bride of My Passion, My Eternal Love," and begs forgiveness for having abandoned her and allowed her to lose her sense of womanness. The last lines of the letter, and the book, make up an enormously impressive fusion of Cleaver's various revolutionary strands, his assertion of a Negro reality, his hunger for sexual

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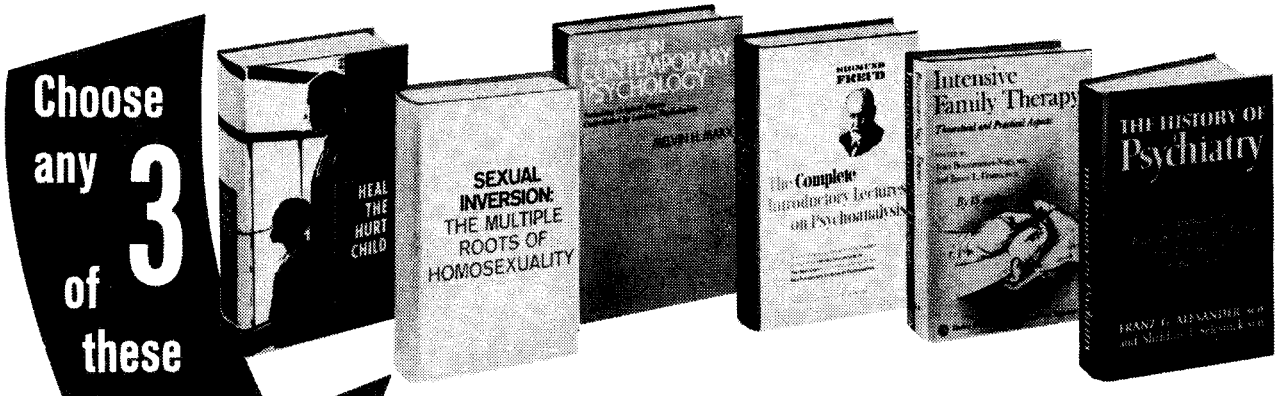
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fullness and the reintegration of the self, his political critique and program and sense of a devastated society in need of resurrection:

> "Black woman, without asking how, just say that we survived our forced march and travail through the Valley of Slavery, Suffering and Death – there, that Valley there beneath us hidden by that drifting mist. Ah, what sights and sounds and pain lie beneath that mist. And we had thought that our hard climb out of that cruel valley led to some cool, green and peaceful, sunlit place – but it's all jungle here, a wild and savage wilderness that's overrun with ruins.
>
> But put on your crown, my Queen, and we will build a New City on these ruins."

The passage is not addressed to me, and though I have called it beautiful and impressive and so on, that is out of the habit of the judge-critic, and I don't wish to continue in this strange and very contemporary form of injustice, that of sanctioning Negro thought from the standpoint of white criteria. I will go on judging and elucidating novels and plays and poetry by Negroes according to what general powers I possess, but the kind of *Negro writing* I have been talking about, the act of creation of the self in the face of that self's historic denial by our society, seems to me to be at this point beyond my right to intrude on.

The Practicality of Protest

by Michael Novak

In 1967 some cords that bound our society distinctly snapped; others have now frayed past repair and seem to await the general collapse. One wonders, in 1968, facing the aggressive buildup of police forces, national guard supply depots, and US Army contingency plans for suppressing our own citizens; facing a blind, resolute, protracted war in Vietnam in which our purposes have already been defeated; facing a summer of bargaining for electoral power by those honorable brokers, Johnson, Nixon, and Wallace; facing a despairing, sad, sickened student left and a harsh demand for "law and order" from their elders; one wonders, these long dreary nights, how the republic will endure. The politics of pragmatism, electoral politics, appear to have come undone.

Protest: Pacifism & Politics
(Some Passionate Views on War and Nonviolence)
by James Finn
(Random House; $8.95)

It is surprising, then, how this collection of intimate, intelligent interviews taped in 1966 has, like wine, matured. One of the questions which James Finn (editor of *Worldview*) set out to answer was whether the peace movement was having, or could have, political effect and of what sort. Eighteen months after most of the interviews were taped, the question the reader broods upon is whether the liberal movement, dominant in US politics since 1932, is having, or can have, political effect. The interrogators, now, must answer questions; those here interviewed are listening.

For surely, it seems, some early opponents of the Vietnam war read the meaning of events more clearly than many pragmatists. Their diagnosis, scorned as utopian, unreal, and naïve, has illuminated events more swiftly and more accurately than the theories of many realists. "I do not accept the theory that a few people have dragged us into the war," Bayard Rustin is quoted in this book. "I believe that our whole way of life has dragged us into the war."

"Whole way of life" is, no doubt, a concept too embarrassingly grand for the man of long pragmatic training. It is not too large for those here interviewed to wrestle with: they are willing to go three rounds, or a lifetime, with that hairy-armed, masked giant. Thus is reopened in these pages the painful debate we had been spared for

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thirty years; whether there is a necessary connection between pragmatism and humanism, *politique* (in Charles Péguy's terms) and *mystique*. After that so-long-ago flirtation with communism, we on the left have been short, in America, on humanism, on *mystique*. A little spinsterish, not a little disappointed, we had turned our faces from mere romance to realistic things: statistics, numbers, power balances, and hard-nosed "evidence." The American way of making war has revealed to us our image.

Mr. Finn has arranged these thirty-five interviews under the headings of "Religion and Pacifism," "The Organizations" (religious and political), "CO's and the Just War," and "Commitment Without Label" (Joan Baez, Mitchell Goodman, Denise Levertov, W. H. Ferry and others). Others among the participants are A. J. Muste, Daniel Berrigan, Julian Bond, Jack Newfield, John Lewis, Staughton Lynd, Arthur Gilbert, Dorothy Day, and Paul Ramsey. For each, Finn gives us a sense of person and place, and an easygoing biographical sketch.

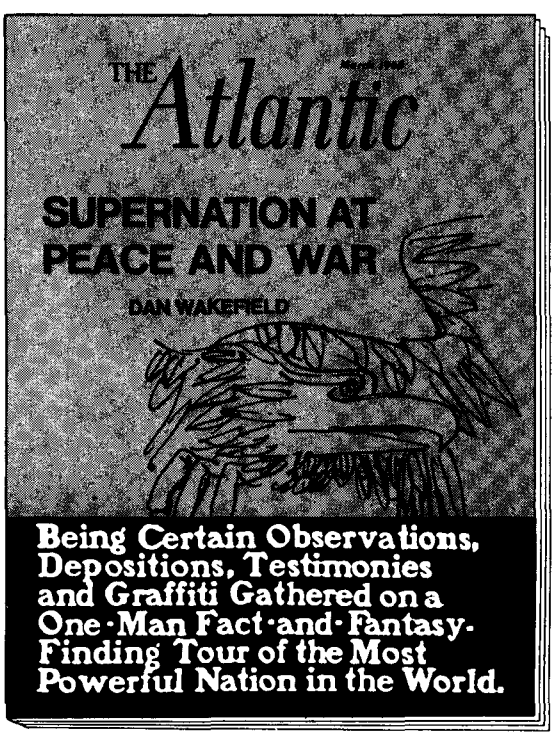
A clear, literate, polished transcript follows, interrupted often for summaries, illuminating asides, and background materials. The reader is hurried along, as if by the alternation of dialogue and action in a leisurely novel. Finn's questions are expert and probing; those interviewed are kept center-stage. Probably the method works best with persons one knows least. If one has read a man's work rather thoroughly, these interviews, while faithful, lack the fullness and exactness to which one is accustomed. With persons one has known chiefly by reputation or through minimal exposure, the interviews seem vivid and solid, as satisfying as an unusually good conversation. Footnotes guide one to supporting literature, subsequent events, and other helpful matter. The only minor criticisms one can make are that some of the early interviews seem a little tense and stilted; occasionally a false note is struck; some short stretches invite skimming.

Not all of those included are absolute pacifists; some defend just-war theories in objecting to particular wars, some object to all modern technological warfare in which the United States is likely to become involved, and at least one (Paul Ramsey) allows for some wars of this kind. Many are troubled by the intransigence of unjust systems and the bitterness of conditions in "the third world," where revolutionary violence may be the only avenue of self-defense and reform. They oppose the present violence in Vietnam but do not wish to rule out all violent revolutions. "If I had been in Algeria I would have supported the revolution," Bayard Rustin asserts, "but I would not have carried a gun. I would have been a medical officer in the hills with the rebels."

Nearly all the contributors refuse to allow a distinction between "moral" and "political." Even some who reject the word "moral" do not reject the reality. Again Rustin: "I don't believe that anyone is prepared to face five years in jail and a great fine for any reason that is not deeply moral . . . there are just certain kinds of things they are not going to do to people. . . . And when a man says 'What does this do to me? What does this do to society? What does this do to other people?' he is really raising a moral question as well as a political one."

To the pragmatist, "moral" is a suspect word. He opposes various manifestations of the peace movement (as do many in this book) because they seem self-indulgent, too concerned with the purity of the self, afraid of "dirty hands." Part of this animosity is directed at the chronic sentimentality and simplicity of American religion: the Christian minister as Shinto priest, blessing all the deeds of this nation and believing in its ultimate righteousness. Finn quotes Theodore Roosevelt: "The clergyman who does not put the flag above the church had better close his church and keep it closed." To a generation steeled against the heartfelt religious and jingoistic crusades of our time (against war, for war, against communism, for "democracy," etc.), the appeals of Joan Baez, Robert Speck, David Miller and others recorded here – for peace, love, persons, witness – must set off inner warning systems. To pragmatists, do not speak overlong of authenticity.

Yet there the issue lies. The New Deal reformer by imperceptible degrees comes to counting bodies in Viet-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nam; pragmatism, too, *pace* Daniel Bell, has been exposed as ideology. Vietnam swarms with social scientists toting questionnaires; electoral politics is in the grasp of the master pragmatist; political scientists support the "realities" of power politics in Southeast Asia; former prophets of pragmatism, the "journalists' and historians' wing of the Pentagon" (to adapt a phrase from Steven Schwarzchild's interview), "who approve what the US does but with a guilty conscience," have not protested until too late. Was the failure merely a mistake? Or a fatal flaw in liberalism itself?

The tension between personal authenticity and institutional effectiveness is difficult to manage at any time. Finn is entirely right in seeing that the essential debate between men of good will in the United States concerns how to bring together, as he entitles his reflective final chapter, "Politics and the Spiritual Nobility." "There is no peace movement today," the chapter begins. There is activity, restless inquiry, deeply felt conviction, despair, joy in decision, debate, sectarian purity, an "unrestrained impulse to moral integrity." There is no cohesiveness, or platform, or party. Finn rightly recognizes that too many protesters have neglected an iron rule: "A moral solution to a political problem that is not also a political solution is no solution." But he also sees that even the apolitical protesters among the protesters have focused "on the difference between America's promise and its attainment," and insisted that "truth has a positive value superior to any activities it is intended to serve." They have thus kept accessible those resources with which to shatter complacency and expose falsehood whence alone national vitality comes.

But I think the point may be made more strongly than Finn makes it. It is not only that the protesters labor somewhere between the poles of *mystique* and *politique;* it is also that they are laying the groundwork for a new *politique,* which is not yet ripe. The old order is passing and it will soon need a Schlesinger III. As the night of the next few years comes over us, the integrity of which Joan Baez sings and speaks – now seemingly utopian – will serve many spirits in far better stead than the maneuverings, constantly

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frustrated, of those committed to *politique;* and even they will need resources against helplessness. Humanism, integrity, *mystique* is, in one sense, an end in itself; *politique* is but the means. Yet in another sense *politique* is the natural unfolding, the social expression, of *mystique;* without the flower, what good is the seed?

David Reed, a footnote tells us at the end of a moving interview, was convicted of burning his draft card in 1966 and six months later, on November 21, age twenty, "he was sentenced to three years' imprisonment, which he is presently serving in the Federal Reformatory of Petersburg, Virginia." In the next few years, a great many Americans will learn to live, some only figuratively, in prison. Prisons have often been (in other countries, at least) the agency of new politics. Let us move one stage at a time: in prison, *politique* is premature, but *mystique* sends down its roots.

The distinction belongs to Charles Péguy. He wrote:

> "Everything begins in mysticism and ends in politics. – The interest, the question, the essential is that in each order, in each system, mysticism be not devoured by the politics to which it gave birth.
>
> "Politics laugh at mysticism, but it is still mysticism which feeds these same politics,
>
> "For the politicians get even with us, or think they get even with us by saying that at least they are practical, and that we are not. In this they deceive themselves and they deceive others. We will not grant them even this much. It is the mystics who are practical, and the politicians who are not. We it is who are practical, who do something, and it is they who are not, who do nothing. It is we who accumulate and they who pillage. It is we who build, it is we who lay foundations and they who demolish. It is we who nourish and they who live as parasites. It is we who create works and men, peoples and races. And they it is who ruin."

Notes on Contributors

Michael Novak's *latest book,* Belief and Unbelief *was published by the New American Library.*

Correspondence

The New Republic welcomes communications in regard to subjects of current interest. Those of 300 words or less are most suitable for publication.

Whose Waterloo?

Sirs:

In Gerald Johnson's review of *The Next Kennedy* (Feb. 10) he perpetuates the non-proposition that has become liberal dogma, *i.e.,* reference to Robert Kennedy's supposed "use of highly questionable means to secure the conviction of James Hoffa."

Hoffa was furnished millions of dollars by his union with which he hired the most capable lawyers and investigators available to him. Through their efforts, every facet of the cases against Hoffa has been fully reviewed in the courts. In the age of *Escobedo, Miranda* and *Wade,* the courts are sufficiently sensitive to governmental impropriety in criminal investigation, yet they found that the only wrongdoing was on the part of Hoffa, the perpetrator of corrupt crimes, rather than Kennedy.

I was a trial attorney in the Criminal Division of the Department of Justice during Kennedy's administration. I knew personally the response of the Attorney General in cases of high political sensitivity. From personal knowledge, I say to Mr. Johnson and others who care to continue propagating the anti-Kennedy myth, that Robert Kennedy's administration was of the highest integrity and principle.

Jacob B. Tanzer
Portland, Oregon

The Fiction of Neutrality

Sirs:

Tran Van Dinh's exposition of "Laos: The Fiction of Neutrality" (Feb. 24), brings to mind a less noticed aspect of the American military penetration of Laos. Not long ago, the Army began special training programs for Vietnamese officers; very quietly these programs have now been expanded to include Laotian officers. Such training is

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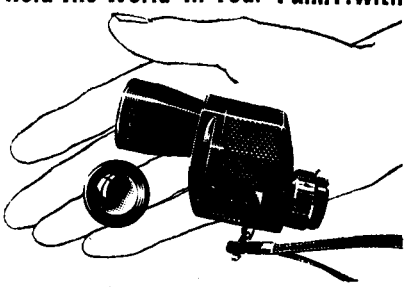

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common for "allies," but hardly for "neutral nations."

The curriculum of such courses is standard. But Americans involved with the Laotians admit the primary goal is not a better Laotian officer, but a pro-US officer. Every effort is made to dazzle the visitors with sightseeing and expense-account hospitality.

Within a couple of years, most Laotian officers between the ranks of captain and colonel will have been US-trained. They will have learned a few new professional skills, a new standard of living, and a willingness to call for US help at the first sign of a real, imagined, or manufactured political crisis. The situation bears alarming similarities to a not-long-past Vietnam.

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Indianapolis, Indiana

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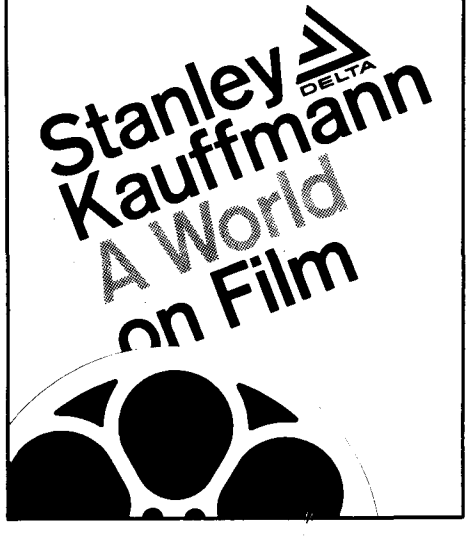

Bedtime for Bonzo

Sirs:

I must take strong exception to the article on Ronald Reagan at Yale by Messrs. Rae and Lupsha in the February 3rd issue. *Bedtime for Bonzo* was not an "early movie." It was one of his last.

Roger Darin
New York, N. Y.

What Dirksen Knows

Sirs:

I have read your item "What Dirksen Knows" (January 27th) with considerable interest and equal puzzlement. You tell us Dirksen knows who will be the gainers [from abolition of the Electoral College and direct election of the President] and suggest his "liberal allies in the venture will come to see it too." Several questions in this matter remain disturbingly unclear to me.

Regarding the "traditional power of the big industrial states" the question is What Power? The allotment of two senators per state, the use of gerrymanders by rural dominated state legislatures and the electoral college have all played a part historically to keep the more populous industrial states pitifully under-represented in relation to their numbers at both state and federal level.

With 69.9 percent of the nation's population classified as urban in the 1960 census, why won't the industrial states be the first to benefit?

Doesn't the direct election amendment serve the best interests of a truly representative democracy in the long run?

Finally, what do you think Dirksen expects to gain and for whom and for how long? Granted his political cunning and acumen in the past and present status quo do you really think he can adequately gauge either the speed or substance of the rapidly changing human and social realities that are bound to affect our political processes in the next ten years? In short, does he miscalculate?

In the process of breaking down the restrictive barriers to democratic process, direct election would seem to be of great value in the long run. I therefore hope *The New Republic* will examine the implications of the amendment within the wider context of a radical social metamorphosis which must either evolve or explode into being very soon.

Ion C. Laskaris
Washington, D.C.

In reply . . .

It has long been believed that the effect of the Electoral College system, in modern times at least, has been to waste many popular votes in relatively smaller, homogeneous states, and to cause presidential elections to be decided for the most part in the large, populous, heterogeneous states, where in turn block voting, as by minorities or other interest groups, is often decisive. This perception of the system has governed the behavior of the two major parties, with the result that modern Presidents have been particularly sensitive and responsive to urban and minority interests – modern Presidents of both parties, this is to say, have been more sensitive and responsive to urban interests than have other factions in their parties; and only men who can be so responsive are generally nominated and elected. Interests outside the big industrial states – rural, small town, and, yes, white and nativist and Protestant in orientation – have tended to dominate Congress, while the populous industrial states have generally controlled the Presidency. What Dirksen knows is that the proposal to abolish the Electoral College will change the nature of the presidential constituency, while Congress remains much the same.

That what has long been surmised, and Mr. Dirksen knows is indeed so, has been demonstrated by the recently published research of John F. Banzhaff III. Using a computer, Mr. Banzhaff has analyzed the various possible arrangements of electoral votes, and the circumstances in which any given state

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could change the result of an election. He has also calculated the chances of a voter affecting the outcome in his state, and the chances that the result of the national election itself will then be affected. He has thus arrived at an estimate of the voting power of citizens of the several states, defining voting power as "the ability to affect decisions through the process of voting." And his conclusion is that voters in "states like New York and California have over two-and-one-half times as much chance to affect the election of the President as residents of some of the smaller states. . . ." Pennsylvania, Ohio, Michigan, and even so small an industrial state as Massachusetts are also in advantageous positions. The reason for this is that while a voter in a large state has a smaller chance of affecting the result because there are, of course, more people voting in such a state, he potentially affects a much larger number of electoral votes, and so despite the apparent dilution of his vote by the large population in his state, he actually has much greater influence on the over-all outcome of the national election. And this is a direct consequence of the Electoral College system. Hence the industrial states would not be the first to benefit from a system of direct popular election of the President. Mr. Dirksen's instinct has not misled him; he does not miscalculate.

The Editors

The University as Recruiting Agency

Sirs:

Henry Steele Commager (Feb. 24) praises college students for trying to disrupt campus recruiting by organizations they dislike, such as Dow Chemical Company and the CIA, and argues that university administrators should refuse to permit recruiting on campus by such organizations. His main points are these: (1) Job recruiting is not educational in nature. Therefore a university is not obliged to facilitate it. (2) The denial of campus facilities to Dow representatives does not deprive them of their right to recruit employees, or students of their right to be recruited. The recruiting could be done off campus. Therefore the denial of campus facilities for recruiting does not abridge any constitutional right. (3) The university should make educational and moral choices in deciding with what outside organizations it will cooperate. Especially should it not cooperate in any way with an organization, such as the CIA, which would subvert the very principles for which a free university stands.

These arguments have a familiar ring to me. State-supported colleges and universities in North Carolina have been afflicted in recent years with a law – now, happily, null and void by ruling of a federal court – which banned communist speakers from their campuses. University administrators sought to have the law repealed, student liberal and radical groups protested mightily against it, and several hundred faculty members at the Chapel Hill campus of the state university signed a statement threatening to resign their positions unless it was repealed.

Statements by supporters of the law – chiefly right-wingers and members of patriotic groups – included the following: (1) One-sided communist propaganda is not educational in nature. Therefore a university is not obliged to facilitate it. (2) The denial of campus facilities to communist speakers does not deprive them of their right to make speeches, or students of their right to hear such speeches. The speeches could be made and heard off campus. Therefore the denial of campus facilities for communist speech-making does not abridge any constitutional right. (3) The university should make educational and moral choices in deciding with what outside organizations it will cooperate. Especially should it not cooperate in any way with an organization, such as the Communist Party, which would subvert the very principles for which a free university stands.

For the life of me I cannot see the basic distinction between the two situations, yet I suspect that Professor Commager may doubt the propriety of communist speaker bans.

Richard L. Simpson
Chapel Hill, N. C.

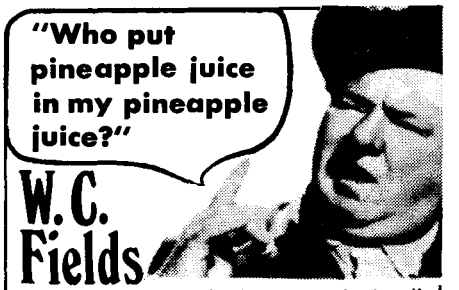
Sirs:

Among the things that make academic administration hard to bear is the smug professorial piety pretended by academic Puritans like Henry Steele Commager when they speak of presidents and deans. It gets close to unbearable when, as in "The University as Employment Agency" (Feb. 24), it is combined with an elder's striving for popularity, even identification, with the young.

If the case against the customary campus placement operation is as patent as Mr. Commager now makes it seem, there is reason to ask why Mr. Commager has so long withheld this light of his intellect from the deans and presidents he has hobnobbed with on more than one campus.

Even a little research would have revealed that college placement offices are products of the same concern for personal development of students as health services, student activities, counselling – academic and otherwise, chaplains' offices, etc. They serve not industry but students – and sometimes alumni and faculty.

A little further research would have connected the placement function with the interest of faculty members in helping their students find useful places in society – and incidentally (?)



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linking the effects of teaching and discipline with vocational benefit! . . . If we are to reexamine the placement function along the lines suggested by Mr. Commager, then we should reexamine the whole matter of service on campus other than the strictly instructional. Such reexamination might well take in the use of facilities for all forms of non-instructional profit-making, including consulting and contract research activity of staff members.

K. Roald Bergethon
Lafayette College
Easton, Pa.

Sirs:

By Professor Commager's own admission (Feb. 24) neither Vista nor the Peace Corps is primarily educational, and neither he nor I nor students in general object to the presence of these organizations. Where should the line be drawn?

I would like to offer the suggestion that the granting of permission to recruit on campuses should be the privilege of the academic community. Academic senates and realistically empowered student governments could and should handle such problems. Joint committees, drawing membership from both the professorial and student bodies, would be welcome assets to handling a wide range of similar questions on many campuses. If nothing else, this would be a step toward restoring the regulation of academic and peripherally educational activities to those whom they most concern.

Nicholas Acocella
The University of Delaware
Newark, Del.

Sirs:

It is no accident that the term university currently is yielding in common parlance to the term multiversity. Professor Commager (Feb. 24), to the contrary, the university *is* an employment agency, an adjunct of corporations, and, indirectly, often an instrument of government. It is also an educational institution, although the deemphasis of its teaching role has come under fire in Berkeley and elsewhere. Had Professor Commager begun from these premises, he might have argued that universities should discriminate more carefully among job recruiters in order to help regenerate the instructional side of campus life. Perhaps university administrators do have a moral obligation to speak out on Vietnam and other issues. But isn't their main duty to their constituents – students and professional academics? Commager seems to take for granted that this responsibility is being well discharged. Many, including myself, would question that and would argue that university heads should not don the hat of social critic without first throwing some of their other hats away. In regard to the posture of the academy *vis à vis* government and industry, however, both roads, Professor Commager's and mine, lead to Rome.

Robert Hanson
University of Pennsylvania
Philadelphia, Pa.

Too Little, Too Late

Sirs:

For ten years, integrationists in New York City pleaded for biracial school busing, a citywide network of integrated educational parks, massive rezoning, an end to the neighborhood school, and the merger of city and suburban school districts. Shocked by such extremism, the city school system made a few token changes, set them up for failure, and backed away from integration.

But two years of strident demand for black power and community control seem to have produced what a decade of pleading for integration could not. Faced with the threat that the Lindsay-Bundy plan may some day result in real community control of the New York public schools, the vice president of the Board of Education was to follow the Chicago plan (biracial busing, a citywide network of integrated educational parks, and an end to the neighborhood school). Our Superintendent of Schools calls for massive rezoning of all academic high schools in Queens. The Board of Regents proposes a merger of city and suburban school districts, and through it all we hear the bitter laughter of history telling us "too late, too late!"

Merrill Martin
Brooklyn Chairman of EQUAL & Member of Local School Board 13
Brooklyn, N. Y.

Defense Fund

Sirs:

The public expression of dissent in Oakland, California, seems to have become a felony punishable by a three-year prison term. Last October thousands of concerned people expressed their opposition to the Vietnam war at the Oakland Army Induction Center. Among them were university professors, ministers, scientists, writers, artists, and students.

Now seven of the demonstrators, all in their early twenties, have been singled out, for prosecution on conspiracy charges. The "conspiracy" – a felony – consists of the defendants allegedly banding together to commit misdemeanors. Justice Robert Jackson once called use of the conspiracy charge "the prosecutor's darling."

District Attorney J. Frank Coakley explained to the press: "Technically a hundred or even a thousand of the demonstrators could have been indicted for their actions. . . . We have to take

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the most militant leaders." He added: "The indictment procedure is a new one, a new policy we have adopted, and should serve as a warning and notice to people who would violate the law in so expressing themselves."

The prosecutor's "new policy" is designed to make an example of these seven – to silence dissent against the war. These are not nationally famous leaders like Dr. Spock; they are young, people plucked out of the group to be isolated and punished.

We are horrified at this frank frontal assault on constitutional liberties. The law is being used to suppress the right of dissent.

The undersigned protest the indictments and urge support for the defendants. The cost of defending these cases may run as high as $50,000. Contributions can be sent to: Stop the Draft Week Defense Fund, 6468 Benvenue Avenue, Oakland, Calif. 94618. Don't forget zip code.

Kay Boyle
Herbert Gold
Jessica Mitford
Mark Schorer
San Francisco, Calif.

Is Honor Dead?

Sirs:

Is honor dead?

Sponsored by his Commander-in-Chief, General Westmoreland appeared before a ceremonial Joint Session of Congress and assured the nation that the military and political situations in Vietnam were well in hand. The General is now proven to be incompetent or a willful purveyor of false reports, or both.

The once-upon-a-time tradition of honor among military officers would now require the resignation of General Westmoreland and the other major Commanders including the Commander-in-Chief. Or is military honor to be another casualty of the commitment that anything goes for saving the face of men who are rich in pride but impoverished in pity for the bloodletting in Vietnam. The resignation of a Commander-in-Chief is unprecedented. But so are the increasingly calamitous results of the Vietnam debacle.

Seymour Melman
New York, N. Y.

Kauffmann, *from page 24*

law, too long absent from the screen, gives a neat, embittered performance as the ex-wife. But Charlie's American secretary-assistant is played by Liza Minnelli. There is nothing to say about Miss Minnelli, except that she is Judy Garland's daughter.

Progress report: This is the Year of Fellation in films. It was suggested in *Bonnie and Clyde,* and it is accomplished here – just off-camera.

To a different writer-hero. This one is dead as his story starts and is about to be buried. When I reviewed Wallace Markfield's novel *To An Early Grave* (in *Book Week*) four years ago, I commented on its insistent ugliness and its exposition of the usually secret life of many urban Jewish intellectuals when away from Gentile eyes. If I may quote myself:

> "These educated Jews slip into their exaggerated music-hall turns with an air of 'Who's kidding whom? Culture-shmulture, this is what we *are.*' They lay their academic English aside as if they were slipping off starched clothes to reveal comfortable chains. And, throughout, Markfield is mocking their mockery. . . . One question remains: whether Markfield mocks these men because they are still too Jewish or are not Jewish enough is not clear."

Now Sidney Lumet has made a film of this novel – retitled *Bye, Bye, Braverman* – in which the ugliness is greatly diminished, the peek into private games is dimmed, and my final question is pointless because the contradiction is not posed.

The script, by Herbert Sargent, has Lumet's fiddling fingerprints all over it. It still concentrates on the day in which four Jewish intellectuals drive out to Brooklyn for the funeral of a suddenly deceased fellow. There are a few very good scenes. Lumet, with Boris Kaufman as his cinematographer, has used helicopter shots of the city – its freeways, elevated lines and streets – in a way that really suggests a journey through an environment. Some of Morroe's inserted daydreams are pungent, and the scene in which he addresses the tombstones makes the most of Markfield's good language. But there is a tinhorn in Lumet that inevitably beeps through. The scene on a bus in which Morroe helps a man with a crossword is clumsy padding. The scene in which Braverman's widow (Jessica Walter) pulls Morroe down on the couch and throws a leg over him – although she knows her little daughter will return soon – is blatantly false. The casting of Godfrey Cambridge, the Negro comic, as a (converted) Jewish cabdriver and of Alan King, the non-Negro comic, as a rabbi is dull cleverness. They are dreadful. (I once heard Alvin Epstein do the rabbi's speech excellently on TV, but to use a qualified actor would have cheated Lumet of a chance for cleverness.)

George Segal is somewhat wiry and inflexible as Morroe. As the others of the quartet, Jack Warden suggests a sportswriter, not a critic, but Joseph Wiseman and Sorrell Booke are, respectively, surprisingly restrained and unsurprisingly good.

The fact that this picture was made at all is news. The subject is a small social group that is interesting to a somewhat larger but not really large group. As a sign of belief in a substantial minority audience for unconventional films, *Bye, Bye Braverman* is so much to the good. But Markfield's novel, with all its imperfections, had savage, funny candor. Lumet has tempered the wind to the shorn wolves.

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